Fla. Stat. § 61.30 (2004)

§ 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.

(b) The guidelines may provide the basis for proving a substantial change in circumstances upon which a modification of an existing order may be granted. However, the difference between the existing monthly obligation and the amount provided for under the guidelines shall be at least 15 percent or $ 50, whichever amount is greater, before the court may find that the guidelines provide a substantial change in circumstances.

(c) For each support order reviewed by the department as required by *s. 409.2564(12)*, if the amount of the child support award under the order differs by at least 10 percent but not less than $ 25 from the amount that would be awarded under *s. 61.30*, the department shall seek to have the order modified and any modification shall be made without a requirement for proof or showing of a change in circumstances.

(2) Income shall be determined on a monthly basis for the obligor and for the obligee as follows:

(a) Gross income shall include, but is not limited to, the following items:

1. Salary or wages.

2. Bonuses, commissions, allowances, overtime, tips, and other similar payments.

3. Business income from sources such as self-employment, partnership, close corporations, and independent contracts. "Business income" means gross receipts minus ordinary and necessary expenses required to produce income.

4. Disability benefits.

5. All workers' compensation benefits and settlements.

6. Unemployment compensation.

7. Pension, retirement, or annuity payments.

8. Social security benefits.

9. Spousal support received from a previous marriage or court ordered in the marriage before the court.

10. Interest and dividends.

11. Rental income, which is gross receipts minus ordinary and necessary expenses required to produce the income.

12. Income from royalties, trusts, or estates.

13. Reimbursed expenses or in kind payments to the extent that they reduce living expenses.

14. Gains derived from dealings in property, unless the gain is nonrecurring.

(b) Income on a monthly basis shall be imputed to an unemployed or underemployed parent when such employment or underemployment is found to be voluntary on that parent's part, absent physical or mental incapacity or other circumstances over which the parent has no control. In the event of such voluntary unemployment or underemployment, the employment potential and probable earnings level of the parent shall be determined based upon his or her recent work history, occupational qualifications, and prevailing earnings level in the community; however, the court may refuse to impute income to a primary residential parent if the court finds it necessary for the parent to stay home with the child.

(c) Public assistance as defined in *s. 409.2554* shall be excluded from gross income.

(3) Allowable deductions from gross income shall include:

(a) Federal, state, and local income tax deductions, adjusted for actual filing status and allowable dependents and income tax liabilities.

(b) Federal insurance contributions or self-employment tax.

(c) Mandatory union dues.

(d) Mandatory retirement payments.

(e) Health insurance payments, excluding payments for coverage of the minor child.

(f) Court-ordered support for other children which is actually paid.

(g) Spousal support paid pursuant to a court order from a previous marriage or the marriage before the court.

(4) Net income for the obligor and net income for the obligee shall be computed by subtracting allowable deductions from gross income.

(5) Net income for the obligor and net income for the obligee shall be added together for a combined net income.

(6) The following schedules shall be applied to the combined net income to determine the minimum child support need:

Combined Monthly Available Income	Child or Children					
	One	Two	Three	Four	Five	Six
650.00	74	75	75	76	77	78
700.00	119	120	121	123	124	125
750.00	164	166	167	169	171	173
800.00	190	211	213	216	218	220
850.00	202	257	259	262	265	268
900.00	213	302	305	309	312	315

950.00	224	347	351	355	359	363
1000.00	235	365	397	402	406	410
1050.00	246	382	443	448	453	458
1100.00	258	400	489	495	500	505
1150.00	269	417	522	541	547	553
1200.00	280	435	544	588	594	600
1250.00	290	451	565	634	641	648
1300.00	300	467	584	659	688	695
1350.00	310	482	603	681	735	743
1400.00	320	498	623	702	765	790
1450.00	330	513	642	724	789	838
1500.00	340	529	662	746	813	869
1550.00	350	544	681	768	836	895
1600.00	360	560	701	790	860	920
1650.00	370	575	720	812	884	945
1700.00	380	591	740	833	907	971
1750.00	390	606	759	855	931	996
1800.00	400	622	779	877	955	1022
1850.00	410	638	798	900	979	1048
1900.00	421	654	818	923	1004	1074
1950.00	431	670	839	946	1029	1101
2000.00	442	686	859	968	1054	1128
2050.00	452	702	879	991	1079	1154
2100.00	463	718	899	1014	1104	1181
2150.00	473	734	919	1037	1129	1207
2200.00	484	751	940	1060	1154	1234
2250.00	494	767	960	1082	1179	1261
2300.00	505	783	980	1105	1204	1287
2350.00	515	799	1000	1128	1229	1314
2400.00	526	815	1020	1151	1254	1340
2450.00	536	831	1041	1174	1279	1367
2500.00	547	847	1061	1196	1304	1394
2550.00	557	864	1081	1219	1329	1420
2600.00	568	880	1101	1242	1354	1447
2650.00	578	896	1121	1265	1379	1473
2700.00	588	912	1141	1287	1403	1500
2750.00	597	927	1160	1308	1426	1524
2800.00	607	941	1178	1328	1448	1549
2850.00	616	956	1197	1349	1471	1573
2900.00	626	971	1215	1370	1494	1598
2950.00	635	986	1234	1391	1517	1622
3000.00	644	1001	1252	1412	1540	1647
3050.00	654	1016	1271	1433	1563	1671
3100.00	663	1031	1289	1453	1586	1695
3150.00	673	1045	1308	1474	1608	1720
3200.00	682	1060	1327	1495	1631	1744
3250.00	691	1075	1345	1516	1654	1769
3300.00	701	1090	1364	1537	1677	1793
3350.00	710	1105	1382	1558	1700	1818
3400.00	720	1120	1401	1579	1723	1842
3450.00	729	1135	1419	1599	1745	1867
3500.00	738	1149	1438	1620	1768	1891
3550.00	748	1164	1456	1641	1791	1915
3600.00	757	1179	1475	1662	1814	1940
3650.00	767	1194	1493	1683	1837	1964

3700.00	776	1208	1503	1702	1857	1987
3750.00	784	1221	1520	1721	1878	2009
3800.00	793	1234	1536	1740	1899	2031
3850.00	802	1248	1553	1759	1920	2053
3900.00	811	1261	1570	1778	1940	2075
3950.00	819	1275	1587	1797	1961	2097
4000.00	828	1288	1603	1816	1982	2119
4050.00	837	1302	1620	1835	2002	2141
4100.00	846	1315	1637	1854	2023	2163
4150.00	854	1329	1654	1873	2044	2185
4200.00	863	1342	1670	1892	2064	2207
4250.00	872	1355	1687	1911	2085	2229
4300.00	881	1369	1704	1930	2106	2251
4350.00	889	1382	1721	1949	2127	2273
4400.00	898	1396	1737	1968	2147	2295
4450.00	907	1409	1754	1987	2168	2317
4500.00	916	1423	1771	2006	2189	2339
4550.00	924	1436	1788	2024	2209	2361
4600.00	933	1450	1804	2043	2230	2384
4650.00	942	1463	1821	2062	2251	2406
4700.00	951	1477	1838	2081	2271	2428
4750.00	959	1490	1855	2100	2292	2450
4800.00	968	1503	1871	2119	2313	2472
4850.00	977	1517	1888	2138	2334	2494
4900.00	986	1530	1905	2157	2354	2516
4950.00	993	1542	1927	2174	2372	2535
5000.00	1000	1551	1939	2188	2387	2551
5050.00	1006	1561	1952	2202	2402	2567
5100.00	1013	1571	1964	2215	2417	2583
5150.00	1019	1580	1976	2229	2432	2599
5200.00	1025	1590	1988	2243	2447	2615
5250.00	1032	1599	2000	2256	2462	2631
5300.00	1038	1609	2012	2270	2477	2647
5350.00	1045	1619	2024	2283	2492	2663
5400.00	1051	1628	2037	2297	2507	2679
5450.00	1057	1638	2049	2311	2522	2695
5500.00	1064	1647	2061	2324	2537	2711
5550.00	1070	1657	2073	2338	2552	2727
5600.00	1077	1667	2085	2352	2567	2743
5650.00	1083	1676	2097	2365	2582	2759
5700.00	1089	1686	2109	2379	2597	2775
5750.00	1096	1695	2122	2393	2612	2791
5800.00	1102	1705	2134	2406	2627	2807
5850.00	1107	1713	2144	2418	2639	2820
5900.00	1111	1721	2155	2429	2651	2833
5950.00	1116	1729	2165	2440	2663	2847
6000.00	1121	1737	2175	2451	2676	2860
6050.00	1126	1746	2185	2462	2688	2874
6100.00	1131	1754	2196	2473	2700	2887
6150.00	1136	1762	2206	2484	2712	2900
6200.00	1141	1770	2216	2495	2724	2914
6250.00	1145	1778	2227	2506	2737	2927
6300.00	1150	1786	2237	2517	2749	2941
6350.00	1155	1795	2247	2529	2761	2954
6400.00	1160	1803	2258	2540	2773	2967

6450.00	1165	1811	2268	2551	2785	2981
6500.00	1170	1819	2278	2562	2798	2994
6550.00	1175	1827	2288	2573	2810	3008
6600.00	1179	1835	2299	2584	2822	3021
6650.00	1184	1843	2309	2595	2834	3034
6700.00	1189	1850	2317	2604	2845	3045
6750.00	1193	1856	2325	2613	2854	3055
6800.00	1196	1862	2332	2621	2863	3064
6850.00	1200	1868	2340	2630	2872	3074
6900.00	1204	1873	2347	2639	2882	3084
6950.00	1208	1879	2355	2647	2891	3094
7000.00	1212	1885	2362	2656	2900	3103
7050.00	1216	1891	2370	2664	2909	3113
7100.00	1220	1897	2378	2673	2919	3123
7150.00	1224	1903	2385	2681	2928	3133
7200.00	1228	1909	2393	2690	2937	3142
7250.00	1232	1915	2400	2698	2946	3152
7300.00	1235	1921	2408	2707	2956	3162
7350.00	1239	1927	2415	2716	2965	3172
7400.00	1243	1933	2423	2724	2974	3181
7450.00	1247	1939	2430	2733	2983	3191
7500.00	1251	1945	2438	2741	2993	3201
7550.00	1255	1951	2446	2750	3002	3211
7600.00	1259	1957	2453	2758	3011	3220
7650.00	1263	1963	2461	2767	3020	3230
7700.00	1267	1969	2468	2775	3030	3240
7750.00	1271	1975	2476	2784	3039	3250
7800.00	1274	1981	2483	2792	3048	3259
7850.00	1278	1987	2491	2801	3057	3269
7900.00	1282	1992	2498	2810	3067	3279
7950.00	1286	1998	2506	2818	3076	3289
8000.00	1290	2004	2513	2827	3085	3298
8050.00	1294	2010	2521	2835	3094	3308
8100.00	1298	2016	2529	2844	3104	3318
8150.00	1302	2022	2536	2852	3113	3328
8200.00	1306	2028	2544	2861	3122	3337
8250.00	1310	2034	2551	2869	3131	3347
8300.00	1313	2040	2559	2878	3141	3357
8350.00	1317	2046	2566	2887	3150	3367
8400.00	1321	2052	2574	2895	3159	3376
8450.00	1325	2058	2581	2904	3168	3386
8500.00	1329	2064	2589	2912	3178	3396
8550.00	1333	2070	2597	2921	3187	3406
8600.00	1337	2076	2604	2929	3196	3415
8650.00	1341	2082	2612	2938	3205	3425
8700.00	1345	2088	2619	2946	3215	3435
8750.00	1349	2094	2627	2955	3224	3445
8800.00	1352	2100	2634	2963	3233	3454
8850.00	1356	2106	2642	2972	3242	3464
8900.00	1360	2111	2649	2981	3252	3474
8950.00	1364	2117	2657	2989	3261	3484
9000.00	1368	2123	2664	2998	3270	3493
9050.00	1372	2129	2672	3006	3279	3503
9100.00	1376	2135	2680	3015	3289	3513
9150.00	1380	2141	2687	3023	3298	3523

9200.00	1384	2147	2695	3032	3307	3532
9250.00	1388	2153	2702	3040	3316	3542
9300.00	1391	2159	2710	3049	3326	3552
9350.00	1395	2165	2717	3058	3335	3562
9400.00	1399	2171	2725	3066	3344	3571
9450.00	1403	2177	2732	3075	3353	3581
9500.00	1407	2183	2740	3083	3363	3591
9550.00	1411	2189	2748	3092	3372	3601
9600.00	1415	2195	2755	3100	3381	3610
9650.00	1419	2201	2763	3109	3390	3620
9700.00	1422	2206	2767	3115	3396	3628
9750.00	1425	2210	2772	3121	3402	3634
9800.00	1427	2213	2776	3126	3408	3641
9850.00	1430	2217	2781	3132	3414	3647
9900.00	1432	2221	2786	3137	3420	3653
9950.00	1435	2225	2791	3143	3426	3659
10000.00	1437	2228	2795	3148	3432	3666

For combined monthly available income less than the amount set out on the above schedules, the parent should be ordered to pay a child support amount, determined on a case-by-case basis, to establish the principle of payment and lay the basis for increased orders should the parent's income increase in the future. For combined monthly available income greater than the amount set out in the above schedules, the obligation shall be the minimum amount of support provided by the guidelines plus the following percentages multiplied by the amount of income over $ 10,000:

One	Child or Children			Five	Six
	Two	Three	Four		
5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

(7) Child care costs incurred on behalf of the children due to employment, job search, or education calculated to result in employment or to enhance income of current employment of either parent shall be reduced by 25 percent and then shall be added to the basic obligation. After the adjusted child care costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for child care costs for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children. Child care costs shall not exceed the level required to provide quality care from a licensed source for the children.

(8) Health insurance costs resulting from coverage ordered pursuant to *s. 61.13(1)(b)*, and any noncovered medical, dental, and prescription medication expenses of the child, shall be added to the basic obligation unless these expenses have been ordered to be separately paid on a percentage basis. After the health insurance costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for health-related costs for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children.

(9) Each parent's percentage share of the child support need shall be determined by dividing each parent's net income by the combined net income.

(10) Each parent's actual dollar share of the child support need shall be determined by multiplying the minimum child support need by each parent's percentage share.

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

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

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

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

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

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

6. 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.

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

8. 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. 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. The particular shared parental arrangement, such as where the child spends a significant amount of time, but less than 40 percent of the overnights, with the noncustodial parent, thereby reducing the financial expenditures incurred by the primary residential parent; or the refusal of the noncustodial parent to become involved in the activities of the child.

11. 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, as follows:

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

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

3. Calculate the percentage of overnight stays the child spends with each parent.

4. Multiply the noncustodial parent's support obligation as calculated in subparagraph 1. by the percentage of the custodial parent's overnight stays with the child as calculated in subparagraph 3.

5. Multiply the custodial parent's support obligation as calculated in subparagraph 2. by the percentage of the noncustodial parent's overnight stays with the child as calculated in subparagraph 3.

6. The difference between the amounts calculated in subparagraphs 4. and 5. shall be the monetary transfer necessary between the custodial and noncustodial parents for the care of the child, subject to an adjustment for day care and health insurance expenses.

7. Pursuant to subsections (7) and (8), calculate the net amounts owed by the custodial and noncustodial parents for the expenses incurred for day care and health insurance coverage for the child. Day care shall be calculated without regard to the 25-percent reduction applied by subsection (7).

8. Adjust the support obligation owed by the custodial or noncustodial parent pursuant to subparagraph 6. by crediting or debiting the amount calculated in subparagraph 7. This amount represents the child support which must be exchanged between the custodial and noncustodial parents.

9. The court may deviate from the child support amount calculated pursuant to subparagraph 8. based upon the considerations set forth in paragraph (a), as well as the custodial parent's low income and ability to maintain the basic necessities of the home for the child, the likelihood that the noncustodial parent will actually exercise the visitation granted by the court, and whether all of the children are exercising the same shared parental arrangement.

10. For purposes of adjusting any award of child support under this paragraph, "substantial amount of time" means that the noncustodial parent exercises visitation at least 40 percent of the overnights of the year.

(c) A noncustodial parent's failure to regularly exercise court-ordered or agreed visitation not caused by the custodial parent which resulted in the adjustment of the amount of child support pursuant to subparagraph (a)10. or paragraph (b) shall be deemed a substantial change of circumstances for purposes of modifying the child support award. A modification pursuant to this paragraph shall be retroactive to the date the noncustodial parent first failed to regularly exercise court-ordered or agreed visitation.

(12) (a) A parent with a support obligation may have other children living with him or her who were born or adopted after the support obligation arose. If such subsequent children exist, the court, when considering an upward modification of an existing award, may disregard the income from secondary employment obtained in addition to the parent's primary employment if the court determines that the employment was obtained primarily to support the subsequent children.

(b) Except as provided in paragraph (a), the existence of such subsequent children should not as a general rule be considered by the court as a basis for disregarding the amount provided in the guidelines. The parent with a support obligation for subsequent children may raise the existence of such subsequent children as a justification for deviation from the guidelines. However, if the existence of such subsequent children is raised, the income of the other parent of the subsequent children shall be considered by the court in determining whether or not there is a basis for deviation from the guideline amount.

(c) The issue of subsequent children under paragraph (a) or paragraph (b) may only be raised in a proceeding for an upward modification of an existing award and may not be applied to justify a decrease in an existing award.

(13) If the recurring income is not sufficient to meet the needs of the child, the court may order child support to be paid from nonrecurring income or assets.

(14) Every petition for child support or for modification of child support shall be accompanied by an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The affidavit shall be served at the same time that the petition is served. The respondent, whether or not a stipulation is entered, shall make an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The respondent shall include his or her affidavit with the answer to the petition or as soon thereafter as is practicable, but in any case at least 72 hours prior to any hearing on the finances of either party.

(15) For purposes of establishing an obligation for support in accordance with this section, if a person who is receiving public assistance is found to be noncooperative as defined in *s. 409.2572*, the IV-D agency is authorized to submit to the court an affidavit attesting to the income of the custodial parent based upon information available to the IV-D agency.

(16) The Legislature shall review the guidelines established in this section at least every 4 years beginning in 1997.

(17) In an initial determination of child support, whether in a paternity action, dissolution of marriage action, or petition for support during the marriage, the court has discretion to award child support retroactive to the date when the parents did not reside together in the same household with the child, not to exceed a period of 24 months preceding the filing of the petition, regardless of whether that date precedes the filing of the petition. In determining the retroactive award in such cases, the court shall consider the following:

(a) The court shall apply the guidelines in effect at the time of the hearing subject to the obligor's demonstration of his or her actual income, as defined by subsection (2), during the retroactive period. Failure of the obligor to so demonstrate shall result in the court using the obligor's income at the time of the hearing in computing child support for the retroactive period.

(b) All actual payments made by the noncustodial parent to the custodial parent or the child or third parties for the benefit of the child throughout the proposed retroactive period.

(c) The court should consider an installment payment plan for the payment of retroactive child support.

HISTORY: s. 3, ch. 87-95; s. 5, ch. 89-183; s. 5, ch. 91-246; s. 11, ch. 92-138; s. 5, ch. 93-208; s. 2, ch. 94-204; s. 2, ch. 94-318; s. 1366, ch. 95-147; s. 53, ch. 96-175; s. 3, ch. 96-305; s. 11, ch. 97-170; s. 11, ch. 98-397; s. 1, ch. 99-359; s. 2, ch. 2001-91; ss. 15, 16, ch. 2001-158; s. 7, ch. 2002-173.

LexisNexis (R) Notes:

CASE NOTES

1. Where husband contended that the parties' child was no longer in day care and that he was entitled to modification under *Fla. Stat. ch. 61.30(a)* where the child was spending a substantial amount of time with the husband; trial court erred in dismissing the former husband's petition for modification on the grounds of res judicata where the supplemental petition raised issues not previously addressed. *Sanchez v. Sanchez, 773 So. 2d 611, 2000 Fla. App. LEXIS 15986, 25 Fla. L. Weekly D 2801 (Fla. Dist. Ct. App. 5th Dist. 2000).*

2. Where the father was not a "losing party" and the trial court did not determine the father's ability to pay the wife's attorney's fees, even though the father's conduct might have been unreasonable vexatious, it did not qualify for fees. *Zanone v. Clause, 848 So. 2d 1268, 2003 Fla. App. LEXIS 10358, 28 Fla. L. Weekly D 1614 (Fla. Dist. Ct. App. 5th Dist. 2003).*

3. An award of attorney fees in a marital dissolution was dependent, not on the success of the ex-wife's claims, but on the relative financial resources of the parties, pursuant to *Fla. Stat. ch. 61.30*; therefore, the reduction in the attorney fee award and the failure to make written findings were erroneous. *Bullock v. Jones, 666 So. 2d 224, 1995 Fla. App. LEXIS 13483, 21 Fla. L. Weekly D 135 (Fla. Dist. Ct. App. 2d Dist. 1995).*

4. Under *Fla. Stat. ch. 61.076(1)* all funds accrued during a marriage in retirement plans were marital assets subject to equitable distribution and *Fla. Stat. ch. 61.30(2)(a)(7)* required retirement payments to be included as gross income in determining child support obligations. *Siegel v. Siegel, 700 So. 2d 414, 1997 Fla. App. LEXIS 10721, 22 Fla. L. Weekly D 2249 (Fla. Dist. Ct. App. 4th Dist. 1997).*

5. Modification of ex-husband's child support obligations could not be reviewed until the trial court made specific findings concerning ex-husband's ability to pay and the value of ex-wife's continued possession of the marital home. *Whitcomb v. Whitcomb, 669 So. 2d 309, 1996 Fla. App. LEXIS 2192, 21 Fla. L. Weekly D 605 (Fla. Dist. Ct. App. 2d Dist. 1996).*

6. Trial court was required to make written findings or to make a specific finding in the record when it allowed a child support obligation that deviated more than five percent from a child support guideline amount to stand and refused to increase a mother's support obligation to a father; the trial court's failure to make such findings was reversible error. *Department of Revenue v. Skirko, 855 So. 2d 1205, 2003 Fla. App. LEXIS 15225, 28 Fla. L. Weekly D 2343 (Fla. Dist. Ct. App. 5th Dist. 2003).*

7. *Fla. Stat. ch. 61.30(9)* provides the statutory formula which must be used to determine each parent's actual dollar share of child support and, without the benefit of explicit findings on net income attributable to the husband and the wife, the appellate court is unable to determine if the amount of child support is within the guidelines or substantially exceeds the guidelines; factual findings as to the probable and potential earnings levels, the source of imputed and actual income, and the adjustments to income must be set forth to assist the appellate court in determining whether the

statutory support guidelines were properly applied. *Ondrejack v. Ondrejack, 839 So. 2d 867, 2003 Fla. App. LEXIS 3146, 28 Fla. L. Weekly D 696 (Fla. Dist. Ct. App. 4th Dist. 2003).*

8. Trial court did not err in failing to deviate from the child support guidelines in view of the fact that the parties' minor children would spend about 33 percent of their nights with the father as it is within the sound discretion of the trial court as to the potential adjustment of the support obligations; based on the statutory use of the word "may" rather than "shall," the determination is subject to an abuse of discretion standard. *Karimi v. Karimi, 867 So. 2d 471, 2004 Fla. App. LEXIS 1548, 29 Fla. L. Weekly D 405 (Fla. Dist. Ct. App. 5th Dist. 2004).*

9. Trial court abused its discretion in excluding the husband's present earnings and the historical salary in its calculation of the husband's child support obligation and in excluding the husband's reimbursement income; the trial court also erred in failing to make the findings required under *Fla. Stat. ch. 61.30(9)* as to its calculation of the husband's statutory share of child support. *Ondrejack v. Ondrejack, 839 So. 2d 867, 2003 Fla. App. LEXIS 3146, 28 Fla. L. Weekly D 696 (Fla. Dist. Ct. App. 4th Dist. 2003).*

10. Trial court's monthly award for medical insurance of a minor child under *Fla. Stat. ch. 61.30(1)(b)* was upheld on appeal because the trial court did not abuse its discretion in awarding insurance costs at what it found to be a reasonable rate. *Mannix v. Mannix, 763 So. 2d 1135, 1999 Fla. App. LEXIS 17581, 25 Fla. L. Weekly D 71 (Fla. Dist. Ct. App. 4th Dist. 1999).*

11. In a marriage dissolution action, the court's equitable distribution of marital property and award of child support were reversed because the final judgment order was not supported by any specific factual findings, as required by *Fla. Stat. ch. 61.075(3)*; furthermore, the court had deviated from the child support guidelines but did not state the specific findings on the record explaining why a guideline amount would have been inappropriate, as required by *Fla. Stat. ch. 61.30(1)(a). Wilcox v. Wilcox, 729 So. 2d 506, 1999 Fla. App. LEXIS 4341, 24 Fla. L. Weekly D 930 (Fla. Dist. Ct. App. 2d Dist. 1999).*

12. Standard of review for a trial court's imputation of income under the requirements of *Fla. Stat. ch. 61.30(2)(b)* in child support proceedings is whether competent substantial evidence supports it. *Hinton v. Smith, 725 So. 2d 1154, 1998 Fla. App. LEXIS 14349, 23 Fla. L. Weekly D 2505 (Fla. Dist. Ct. App. 2d Dist. 1998).*

13. In child support proceedings, a former spouse's income may not be imputed at a level which the spouse has never earned, absent special circumstances. *Hinton v. Smith, 725 So. 2d 1154, 1998 Fla. App. LEXIS 14349, 23 Fla. L. Weekly D 2505 (Fla. Dist. Ct. App. 2d Dist. 1998).*

14. *Fla. Stat. ch. 61.30(1)* recognizes that in rotating custody situations, both parents have the direct and indirect expenses associated with feeding, clothing, transporting, and housing the child. *Arze v. Sadough-arze, 789 So. 2d 1141, 2001 Fla. App. LEXIS 8779, 26 Fla. L. Weekly D 1605 (Fla. Dist. Ct. App. 4th Dist. 2001).*

15. Trial court abused its discretion when it failed to make a necessary adjustment to the basic child support award based on the amount of time the child will spend with each parent, as provided in *Fla. Stat. ch. 61.30. Arze v. Sadough-arze, 789 So. 2d 1141, 2001 Fla. App. LEXIS 8779, 26 Fla. L. Weekly D 1605 (Fla. Dist. Ct. App. 4th Dist. 2001).*

16. Amended version of *Fla. Stat. ch. 61.30* was remedial legislation that could be retroactively applied, because it did not create new rights or liabilities, but instead furthered the remedy or confirmed the rights already established by *Fla. Stat. ch. 61.30* in 1987 when the guidelines were initially enacted. *Arze v. Sadough-arze, 789 So. 2d 1141, 2001 Fla. App. LEXIS 8779, 26 Fla. L. Weekly D 1605 (Fla. Dist. Ct. App. 4th Dist. 2001).*

17. Trial court could not impute income pursuant to *Fla. Stat. ch. 61.30(2)(b)* without making a specific finding that a former husband was deliberately refusing to work in order to avoid his child support duty. *Stebbins v. Stebbins, 754 So. 2d 903, 2000 Fla. App. LEXIS 4724, 25 Fla. L. Weekly D 1054 (Fla. Dist. Ct. App. 1st Dist. 2000).*

18. Trial court erred in basing its decision to impute income under *Fla. Stat. ch. 61.30(2)(b)* on the fact that a former husband limited his job search to his resident community; trial court must consider other factors when determining whether the former husband was voluntarily unemployed. *Stebbins v. Stebbins, 754 So. 2d 903, 2000 Fla. App. LEXIS 4724, 25 Fla. L. Weekly D 1054 (Fla. Dist. Ct. App. 1st Dist. 2000).*

19. Modification of ex-husband's child support obligations could not be reviewed until the trial court made specific findings concerning ex-husband's ability to pay and the value of ex-wife's continued possession of the marital home. *Whitcomb v. Whitcomb, 669 So. 2d 309, 1996 Fla. App. LEXIS 2192, 21 Fla. L. Weekly D 605 (Fla. Dist. Ct. App. 2d Dist. 1996).*

20. In a divorce case, the trial court did not make sufficient written findings of fact to explain and justify the limitation on visitation transportation expenses where it was in the children's best interests to devise a visitation plan adequate to foster a continuing meaningful relationship between the children and the secondary residential parent; however, there was no abuse of discretion by the trial court in denying the wife's request for a retroactive application of the child-support award. *Christ v. Christ, 854 So. 2d 244, 2003 Fla. App. LEXIS 13288, 28 Fla. L. Weekly D 2106 (Fla. Dist. Ct. App. 1st Dist. 2003).*

21. Trial judge erred in ordering a reduction in child support pursuant to *Fla. Stat. ch. 61.30(11)(g)* during a 30-day period of visitation granted father in order to compensate him for visitation improperly denied by the mother; where the mother was entitled to alternate weekend visitation during that period, the statutory requirement of more than 28 consecutive days of visitation with the non-custodial parent was not met. *Vanbrussel v. Vanbrussel, 735 So. 2d 608, 1999 Fla. App. LEXIS 9173, 24 Fla. L. Weekly D 1668 (Fla. Dist. Ct. App. 1st Dist. 1999).*

22. It was error to provide in a visitation order that if the mother chose to exercise weekend visitation during the father's 28-day visitation period, the father could still reduce his child support for that 28-day period; the reduction was to be permitted only if the children stayed with the father for more than 28 consecutive days. *Didier v. Didier, 669 So. 2d 1072, 1996 Fla. App. LEXIS 2029, 21 Fla. L. Weekly D 581 (Fla. Dist. Ct. App. 1st Dist. 1996).*

23. Because *Fla. Stat. ch. 61.30(2)(a)*9, (3)(g) was amended to require that, for the purpose of calculating child support, the wife's alimony should be included in her income and that the husband's gross income should be reduced by his alimony obligation to the wife, the trial court erred when it applied the incorrect child support guidelines to a case that was pending when the amendment became effective; reversed and remanded for recalculation of the amount of child support. *Zucker v. Zucker, 774 So. 2d 890, 2001 Fla. App. LEXIS 44, 26 Fla. L. Weekly D 105 (Fla. Dist. Ct. App. 4th Dist. 2001).*

24. On remand, in reconsidering a child support award, the trial court should set forth findings upon which it based its calculations, including the amount and source of the parties' actual income, and any deviation from the child support guidelines should be explained in accordance with *Fla. Stat. ch. 61.30(1)(a). Cooper v. Cooper, 760 So. 2d 1048, 2000 Fla. App. LEXIS 7383, 25 Fla. L. Weekly D 1457 (Fla. Dist. Ct. App. 2d Dist. 2000).*

25. In a paternity action, the trial court was not required to impute a father's income in order to determine child support where the record was devoid of evidence that the father was voluntarily unemployed or underemployed as required by *Fla. Stat. ch. 61.30(2)(b)(9). Department of Revenue Ex Rel. Killian v. Green, 711 So. 2d 1245, 1998 Fla. App. LEXIS 5530, 23 Fla. L. Weekly D 1201 (Fla. Dist. Ct. App. 5th Dist. 1998).*

26. Where a legal guardian of the property of a child had been appointed in accordance with Fla. Stat. ch. 744, the trial court had authority to require that a portion of a child support award that was not needed for the child's immediate custodial maintenance be paid to the guardian. *Finley v. Scott, 707 So. 2d 1112, 1998 Fla. LEXIS 83, 23 Fla. L. Weekly S 51 (Fla. 1998).*

27. Trial court erred in deviating from the child support guideline amounts pursuant to *Fla. Stat. ch. 61.30,* in the absence of written or specific findings explaining why ordering payment of the guideline amount would be unjust or inappropriate, despite evidence in record showing father's need for new leg prothesis and reduced earnings. *Department of Revenue Ex Rel. Bunting v. Cain, 675 So. 2d 679, 1996 Fla. App. LEXIS 6416, 21 Fla. L. Weekly D 1438 (Fla. Dist. Ct. App. 1st Dist. 1996).*

28. Trial court abused it discretion where it justified its deviation from the child support guidelines in reducing the mandated support award under *Fla. Stat. ch. 61.30(11)(c)* by relying on the same statute it had utilized to reduce the award of alimony. *Burns v. Burns, 679 So. 2d 6, 1996 Fla. App. LEXIS 6165, 21 Fla. L. Weekly D 1399 (Fla. Dist. Ct. App. 2d Dist. 1996),* review denied by *683 So. 2d 482, 1996 Fla. LEXIS 2038 (Fla. 1996).*

29. Trial court erred in its order determining child support in dissolution proceedings by applying child support guidelines which had been superceded during the pendency of the action under *Fla. Stat. ch. 61.30. Kelley v. Kelley, 656 So. 2d 1343, 1995 Fla. App. LEXIS 6547, 20 Fla. L. Weekly D 1414 (Fla. Dist. Ct. App. 5th Dist. 1995).*

30. Where wife agreed to receive a second mortgage from her ex-husband representing her one-half interest in the marital residence, the interest portion of the mortgage payment received through this equitable distribution scheme did not qualify as interest income within the meaning of the child support guidelines, specifically *Fla. Stat. ch. 61.30(2)(a)*10. *Fast v. Fast, 654 So. 2d 958, 1995 Fla. App. LEXIS 3487, 20 Fla. L. Weekly D 826 (Fla. Dist. Ct. App. 4th Dist. 1995),* review denied by *663 So. 2d 630, 1995 Fla. LEXIS 1812 (Fla. 1995).*

31. Judgment establishing father's child support obligation was improper where the obligation was below state guidelines and in the absence of a specific finding that the guideline amount was unjust or inappropriate; failure to order payment of arrearages was likewise improper where the father presented no compelling circumstances or valid defense to avoid the arrears. *Will v. Thomas, 627 So. 2d 574, 1993 Fla. App. LEXIS 11967, 18 Fla. L. Weekly D 2563 (Fla. Dist. Ct. App. 2d Dist. 1993).*

32. Trial court order awarding child support to wife which was below the minimum statutory guidelines was reversed because the trial court erred in failing to state its findings and to provide an explanation for why it departed. *Touchstone v. Touchstone, 579 So. 2d 826, 1991 Fla. App. LEXIS 4426, 16 Fla. L. Weekly D 1361 (Fla. Dist. Ct. App. 1st Dist. 1991).*

33. Trial court erred in unilaterally increasing husband's child support obligation without making specific findings of fact or receiving additional evidence as to the factors enumerated under the statute; trial court should have applied the guideline figures simply as a matter of mathematics based on the income of the parties, who should have been given an opportunity to be heard concerning the needs of the child and their ability to provide for them. *Huff v. Huff, 556 So. 2d 537, 1990 Fla. App. LEXIS 990, 15 Fla. L. Weekly D 416 (Fla. Dist. Ct. App. 4th Dist. 1990).*

34. In a divorce case, the trial court did not make sufficient written findings of fact to explain and justify the limitation on visitation transportation expenses where it was in the children's best interests to devise a visitation plan adequate to foster a continuing meaningful relationship between the children and the secondary residential parent; however, there was no abuse of discretion by the trial court in denying the wife's request for a retroactive application of the child-support award. *Christ v. Christ, 854 So. 2d 244, 2003 Fla. App. LEXIS 13288, 28 Fla. L. Weekly D 2106 (Fla. Dist. Ct. App. 1st Dist. 2003).*

35. Trial court's order holding a former husband in contempt for nonpayment of child support required remand and reversal where the trial court had failed to make findings regarding income, which should have been computed

considering various factors, including any spousal support received, and regarding adjustments to income for tax deductions, health insurance payments, and spousal support payments paid by that party, as required under the child support guidelines, *Fla. Stat. ch. 61.30(2),* (3). *Douglas v. Douglas, 795 So. 2d 99, 2001 Fla. App. LEXIS 2950, 26 Fla. L. Weekly D 702 (Fla. Dist. Ct. App. 5th Dist. 2001).*

36. Pretrial order of child support to be paid to the wife should not be enforced where record shows husband had actual custody of parties' minor child prior to trial; on remand wife should be ordered to pay child support to husband for the period of time during which he had the child. *Taylor v. Taylor, 768 So. 2d 1193, 2000 Fla. App. LEXIS 11871, 25 Fla. L. Weekly D 2261 (Fla. Dist. Ct. App. 2d Dist. 2000).*

37. Amendments to *Fla. Stat. ch. 61.30(17)* were substantive and could not be applied retroactively to existing judgments for past due child support. *McMillian v. State Ex Rel. Searles, 746 So. 2d 1234, 1999 Fla. App. LEXIS 17301, 25 Fla. L. Weekly D 41 (Fla. Dist. Ct. App. 1st Dist. 1999).*

38. In calculating child support payments after dissolution of marriage, the amount of money that a spouse may be expected to earn from the assets she will acquire by way of equitable distribution should normally be included. *Cummings v. Cummings, 719 So. 2d 948, 1998 Fla. App. LEXIS 12438, 23 Fla. L. Weekly D 2261 (Fla. Dist. Ct. App. 4th Dist. 1998).*

39. The trial court was not required to attribute income from future assets to the wife under *Fla. Stat. ch. 61.30(2)* where the wife was not assured of having the assets at her disposal to earn income because the payments were to be made in three future installments, and the wife would receive a judgment for the unpaid amounts if they were not paid. *Cummings v. Cummings, 719 So. 2d 948, 1998 Fla. App. LEXIS 12438, 23 Fla. L. Weekly D 2261 (Fla. Dist. Ct. App. 4th Dist. 1998).*

40. Father was found to be willfully underemployed under *Fla. Stat. ch. 61.30(2)(b)* where there was substantial competent evidence to support the trial court's decision to impute a net monthly income which correlated with the minimum gross income that the father's expert stated the father could make in an entry-level banking job. *Burkhardt v. Bass, 711 So. 2d 158, 1998 Fla. App. LEXIS 5311, 23 Fla. L. Weekly D 1175 (Fla. Dist. Ct. App. 4th Dist. 1998).*

41. *Fla. Stat. ch. 61.30(12)* provides that husband, who was the noncustodial parent, would continue to contribute to the support of the children from his first marriage notwithstanding his obligation to support children born during a subsequent marriage. *Pohlmann v. Pohlmann, 703 So. 2d 1121, 1997 Fla. App. LEXIS 12761, 22 Fla. L. Weekly D 2592 (Fla. Dist. Ct. App. 5th Dist. 1997).*

42. *Fla. Stat. ch. 61.30(12),* which prescribes a preference for a child under the protection of an existing child support order over any later born children of the support paying parent, is not unconstitutional because it further's a legitimate state interest by assuring that noncustodial parents will continue to contribute to the support of their children from their first marriage notwithstanding their obligation to support children born during a subsequent marriage. *Pohlmann v. Pohlmann, 703 So. 2d 1121, 1997 Fla. App. LEXIS 12761, 22 Fla. L. Weekly D 2592 (Fla. Dist. Ct. App. 5th Dist. 1997).*

43. Where a husband and wife in divorce proceedings agreed to have the issue of child support determined by the trial court, the trial court's finding that the parties had waived the child's right to support from the non-custodial parent was erroneous because child support could not be contracted away and because *Fla. Stat. ch. 61.30(1)(a)* established a presumptive amount of child support to be ordered based upon the child support guidelines. *Finch v. Finch, 640 So. 2d 1243, 1994 Fla. App. LEXIS 8001, 19 Fla. L. Weekly D 1731 (Fla. Dist. Ct. App. 5th Dist. 1994).*

44. Father was liable to pay from a workers' compensation settlement the sum of $25,593 in child support arrearages and interest because the father's child support obligation was not a debt or a claim of a creditor and, the interest constituted payment to the children for the loss of the unpaid obligation; the benefits of workers' compensation were intended to relieve the father and his children from the economic stress resulting from the father's injury and, for that reason, his workers' compensation benefits were included within the definition of gross income for the calculation of child support under *Fla. Stat. ch. 61.30(2)(a)(5). Bryant v. Bryant, 621 So. 2d 574, 1993 Fla. App. LEXIS 7656, 18 Fla. L. Weekly D 1658 (Fla. Dist. Ct. App. 2d Dist. 1993).*

45. Where the monthly income of both parents exceeded the maximum amount provided in the statutory child support guidelines under *Fla. Stat. ch. 61.30*, the maximum amount must be used as a floor for the child support award and whether the husband had another child to support was not relevant to the determination of the award. *Barrs v. Barrs, 590 So. 2d 980, 1991 Fla. App. LEXIS 12211, 16 Fla. L. Weekly D 3024 (Fla. Dist. Ct. App. 1st Dist. 1991).*

46. Award of child support was reviewed and remanded for reconsideration on appeal in part because the net income should have been imputed only after taking the allowable deductions from an imputed gross income figure as provided in *Fla. Stat. ch. 61.30(3). Alon v. Alon, 665 So. 2d 1110, 1996 Fla. App. LEXIS 33, 21 Fla. L. Weekly D 92 (Fla. Dist. Ct. App. 4th Dist. 1996).*

47. Because trial court refused to make critical findings of fact on issues which were essential to custody and child support awards, appellate court could not adequately review the trial court's findings. *Haas v. Haas, 552 So. 2d 221, 1989 Fla. App. LEXIS 5473, 14 Fla. L. Weekly 2388 (Fla. Dist. Ct. App. 2d Dist. 1989).*

48. Upon remand, a trial court was to redetermine the amount of child support a father owed. The trial court was (1) to include in his arrearage his unilateral $ 118 weekly reduced payment to the mother up to date he filed for modification, and then (2) to reconsider its $ 118 credit to the father from the date he filed up to date of the trial court's order that modified weekly child support from $ 350 to $ 198. *Stevenson v. Stevenson, 884 So. 2d 457, 2004 Fla. App. LEXIS 14652, 29 Fla. L. Weekly D 2237 (Fla. Dist. Ct. App. 4th Dist. 2004).*

49. While a mother's petition to modify child support payments was technically deficient because no financial affidavit was attached, as required by *Fla. Stat. ch. 61.30(14)*, dismissal without leave to amend was not justified; accordingly, the mother was to be allowed to file an amended petition for modification of child support relating back to the date on which the original modification petition was filed. *Henderson v. Henderson, 882 So. 2d 499, 2004 Fla. App. LEXIS 13816, 29 Fla. L. Weekly D 2111 (Fla. Dist. Ct. App. 1st Dist. 2004).*

50. Trial court erred in ordering an automatic increase in a husband's child support obligation pursuant to *Fla. Stat. ch. 61.30* when he ceased paying rehabilitative alimony in four years; the trial court's calculation assumed that both parties would have the same incomes in four years, but the theory of the wife's rehabilitative program was that she would gain enhanced earning capacity over the four years and in that time, presumably the former husband's income will also increase. *Perez v. Perez, 882 So. 2d 537, 2004 Fla. App. LEXIS 13880, 29 Fla. L. Weekly D 2114 (Fla. Dist. Ct. App. 3d Dist. 2004).*

51. Denial of a mother's motion to increase child support was reversed and the case remanded where the trial court found that the mother was voluntarily underemployed, but failed to impute income to her, and denied the motion without considering the child support guidelines. *Garone v. Goller, 878 So. 2d 430, 2004 Fla. App. LEXIS 9972, 29 Fla. L. Weekly D 1583 (Fla. Dist. Ct. App. 3d Dist. 2004).*

52. Trial court's scheme for reduction of a father's basic child support during the two summer months each year when he had custody of the boys and abatement of an additional support award for respite care during that time comported with the intent of *Fla. Stat. ch. 61.30(11)(g). Kuttas v. Ritter, 879 So. 2d 3, 2004 Fla. App. LEXIS 6043, 29 Fla. L. Weekly D 1065 (Fla. Dist. Ct. App. 2d Dist. 2004).*

53. Mother could be granted modification of child support award based upon her autistic children's special needs because the father's move out of state resulted in her need for respite care; modification of the award had to be supported by substantial evidence. *Kuttas v. Ritter, 879 So. 2d 3, 2004 Fla. App. LEXIS 6043, 29 Fla. L. Weekly D 1065 (Fla. Dist. Ct. App. 2d Dist. 2004).*

54. Trial court erred in failing to order child support, pursuant to a husband's petition for modification thereof, in accordance with the child support guidelines of *Fla. Stat. ch. 61.30* as the parties' agreement had provided for a set

amount of child support which represented the expenses on the marital residence; when the residence was sold, the trial court used the wife's new expenses as a guide for the new child support, rather than relying on the guidelines, because the agreement was silent as to the amount to award in that event. *Merting v. Merting, 871 So. 2d 991, 2004 Fla. App. LEXIS 5240, 29 Fla. L. Weekly D 946 (Fla. Dist. Ct. App. 5th Dist. 2004).*

55. Where a former husband's right to seek a reduction of child support based on the amount of time spent with each parent was always available, the 2001 statutory amendments to *Fla. Stat. ch. 61.30(11)(b),* which provided a definitive formula and defined what qualified as a "substantial amount of time," were not a substantial change in circumstance requiring a downward modification of the former husband's child support obligations. *Fleischmann v. Fleischmann, 868 So. 2d 1, 2004 Fla. App. LEXIS 644, 29 Fla. L. Weekly D 300 (Fla. Dist. Ct. App. 4th Dist. 2004).*

56. Where a former husband's right to seek a reduction of child support based on the amount of time spent with each parent was always available, the 2001 amendments to *Fla. Stat. ch. 61.30,* which provided a definitive formula, did not constitute a substantial change in circumstance and could not provide the sole basis upon which to seek a modification of child support; the court remanded the case, however, because the trial court might have believed that the daycare expenses were reduced monthly rather than weekly, thus, it had to reconsider whether it was a substantial change warranting a downward modification. *Fleischmann v. Fleischmann, 868 So. 2d 1, 2004 Fla. App. LEXIS 644, 29 Fla. L. Weekly D 300 (Fla. Dist. Ct. App. 4th Dist. 2004).*

57. Payor-spouse cannot use *Fla. Stat. ch. 61.30* as the sole basis for relief from an agreed-to, judicially adopted child support order without a showing of independent changed circumstances. *Fleischmann v. Fleischmann, 868 So. 2d 1, 2004 Fla. App. LEXIS 644, 29 Fla. L. Weekly D 300 (Fla. Dist. Ct. App. 4th Dist. 2004).*

58. *Fla. Stat. ch. 61.30(11)(b)* provides for an adjustment of child support when a child spends a substantial amount of time with each parent. *Sichewski v. Sichewski, 862 So. 2d 850, 2003 Fla. App. LEXIS 18722, 28 Fla. L. Weekly D 2851 (Fla. Dist. Ct. App. 4th Dist. 2003).*

59. Trial court properly reduced a father's child support obligation at the direction of the appellate court, but erred in failing to make the reduction retroactive to the order providing for a 50-50 split in the time each parent spent with the child. *Sichewski v. Sichewski, 862 So. 2d 850, 2003 Fla. App. LEXIS 18722, 28 Fla. L. Weekly D 2851 (Fla. Dist. Ct. App. 4th Dist. 2003).*

60. Under *Fla. Stat. ch. 61.30(11)(b)(10),* the trial court erred in ordering a father to continue to make child support payments to a mother once the mother's visitation rights had been reduced to 30 percent of the time. *Sichewski v. Sichewski, 862 So. 2d 850, 2003 Fla. App. LEXIS 18722, 28 Fla. L. Weekly D 2851 (Fla. Dist. Ct. App. 4th Dist. 2003).*

61. Trial court erred in failing to make its reduction of a father's child support obligation retroactive and also erred under *Fla. Stat. ch. 61.30(1)(b)* in ordering the father to continue to make child support payments after mother's visitation was reduced to 30 percent. *Sichewski v. Sichewski, 862 So. 2d 850, 2003 Fla. App. LEXIS 18722, 28 Fla. L. Weekly D 2851 (Fla. Dist. Ct. App. 4th Dist. 2003).*

62. Where the trial court failed to consider all statutory criteria in arriving at the appropriate support amount including the time sharing arrangement, it erred in denying a father a reduction of his child support amount due to a time sharing arrangement pursuant to a shared parenting agreement. *Seiberlich v. Wolf, 859 So. 2d 570, 2003 Fla. App. LEXIS 17707, 28 Fla. L. Weekly D 2687 (Fla. Dist. Ct. App. 5th Dist. 2003).*

63. Trial court was required to make written findings or to make a specific finding in the record when it allowed a child support obligation that deviated more than five percent from a child support guideline amount to stand and refused to increase a mother's support obligation to a father; the trial court's failure to make such findings was reversible error. *Department of Revenue v. Skirko, 855 So. 2d 1205, 2003 Fla. App. LEXIS 15225, 28 Fla. L. Weekly D 2343 (Fla. Dist. Ct. App. 5th Dist. 2003).*

64. Where there was no evidence that a former wife was incapacitated in any way or that she had to stay home with a child, the upward departure of the child support award under *Fla. Stat. ch. 61.30(2)(b)* was erroneous. *Young v. Taubman, 855 So. 2d 184, 2003 Fla. App. LEXIS 13618, 28 Fla. L. Weekly D 2128 (Fla. Dist. Ct. App. 4th Dist. 2003).*

65. Denial of the father's motion to vacate an order modifying a final judgment with regard to child support was improper because, based on the plain language of the statute, the trial court was required to adjust the child support obligation under section § 61.30(11)(b); in the event the father subsequently failed to exercise the 40 percent visitation requirement, the mother was provided a remedy under § 61.30(11)(c), which deems a noncustodial parent's failure to exercise its agreed visitation to be a substantial change of circumstances for purposes of modifying the child support award and provides for retroactive modification to the date the noncustodial parent first failed to regularly exercise court-ordered or agreed visitation. *Migliore v. Harris, 848 So. 2d 1250, 2003 Fla. App. LEXIS 10212, 28 Fla. L. Weekly D 1607 (Fla. Dist. Ct. App. 4th Dist. 2003).*

66. Where a father and a mother entered into a settlement agreement providing for shared parental responsibility and giving the father additional holidays with the children, the trial court erred on the father's motion for modification of child support under *Fla. Stat. ch. 61.30(11)(b)(10)* by considering the history of the father's visitations prior to the settlement rather than the amount of visitation time provided for in the agreement. *Migliore v. Harris, 848 So. 2d 1250, 2003 Fla. App. LEXIS 10212, 28 Fla. L. Weekly D 1607 (Fla. Dist. Ct. App. 4th Dist. 2003).*

67. In an action to modify an ex-husband's child support obligation pursuant to *Fla. Stat. ch. 61.14 (2002)*, the trial court erred in ordering a modification where it failed to include a finding as to the amount of income of either party used to calculate the child support as required by *Fla. Stat. ch. 61.30 (2001)*; unless such a finding is made, it is impossible for the appellate court to review the calculations for child support and for the parties to show a change of circumstances that could lead to an increase or decrease of child support in the future. *Deoca v. Deoca, 837 So. 2d 1137, 2003 Fla. App. LEXIS 2011, 28 Fla. L. Weekly D 535 (Fla. Dist. Ct. App. 5th Dist. 2003).*

68. Trial court's award requiring that father and mother be responsible 50/50 for all reasonable and necessary medical, dental, optical, orthodontic, and prescription expenses not covered by any insurance was proper because, although mother claimed she was not given notice since father's pleading failed to request such relief, father's petition for modification sought that both parties pay child support in accordance with the Florida Child Support Guidelines, and medical, dental, optical, orthodontic, and prescription expenses fall within the category of child support. *Clark v. Clark, 837 So. 2d 1120, 2003 Fla. App. LEXIS 1838, 28 Fla. L. Weekly D 522 (Fla. Dist. Ct. App. 4th Dist. 2003).*

69. Trial court's modification of father's child support obligations pursuant to *Fla. Stat. ch. 61.30(1)(a)*, which included private school tuition and a 28 percent deviation from the child support guidelines due to a finding that father had failed to exercise his regular visitation with his daughter, required reversal where the trial court failed to set out specific findings to justify the deviation, as required by *Fla. Stat. ch. 61.30(11)(c)*, failed to show that the parental arrangement caused the change in support obligations, as stated in *Fla. Stat. ch. 61.30(11)(a)*10 and (11)(b), and failed to show that the private school tuition was within the parties' financial ability, that it was the customary standard of living, or that it was in the child's best interests. *Mcdaniel v. McDaniel, 835 So. 2d 1265, 2003 Fla. App. LEXIS 943, 28 Fla. L. Weekly D 379 (Fla. Dist. Ct. App. 1st Dist. 2003).*

70. Absent findings as to the expenditures by the mother upon the father's failure to exercise his visitation, the trial court erred by awarding a retroactive increase in child support to the mother under *Fla. Stat. chs. 61.30(11)(a)*10 and 61.30(11)(b) as custodial parent. *Mcdaniel v. McDaniel, 835 So. 2d 1265, 2003 Fla. App. LEXIS 943, 28 Fla. L. Weekly D 379 (Fla. Dist. Ct. App. 1st Dist. 2003).*

71. Trial court's order did not set forth what guidelines the support would be based upon, whether the parties' current financial conditions, the amount of the downward departure, or the reasons for the downward departure and, thus, it had to be vacated so the trial court could enter a proper support order which comported with the terms of *Fla. Stat. ch. 61.30*. *Niemann v. Anderson, 834 So. 2d 319, 2003 Fla. App. LEXIS 44, 28 Fla. L. Weekly D 171 (Fla. Dist. Ct. App. 5th Dist. 2003).*

72. Trial court erred in imputing income for purposes of child support, to former wife who voluntarily returned to school to improve her career options; adjustment to minimum child support could be had to achieve equity. *Pribble v. Pribble, 800 So. 2d 743, 2001 Fla. App. LEXIS 17626, 26 Fla. L. Weekly D 2956 (Fla. Dist. Ct. App. 5th Dist. 2001).*

73. Trial court erred in ordering the father to pay guideline child support, without the adjustment which is required by the statute in cases in which the child spends a substantial amount of time with each parent. *Sichewski v. Sichewski, 796 So. 2d 1233, 2001 Fla. App. LEXIS 14614, 26 Fla. L. Weekly D 2456 (Fla. Dist. Ct. App. 4th Dist. 2001).*

74. Under *Fla. Stat. ch. 61.30(11),* a father was entitled to received a credit against his child support obligation for Social Security benefits paid as child support stemming from his retirement, even though his early retirement was voluntary, because the payments were attributable to him, and was considered a change in circumstances. *Sealander v. Sealander, 789 So. 2d 401, 2001 Fla. App. LEXIS 7505, 26 Fla. L. Weekly D 1401 (Fla. Dist. Ct. App. 4th Dist. 2001).*

75. Where an award of permanent alimony was reversed because it disproportionately favored the wife, it was necessary to remand for the recalculation of child support payments. *Austin v. Austin, 785 So. 2d 528, 2001 Fla. App. LEXIS 278, 26 Fla. L. Weekly D 238 (Fla. Dist. Ct. App. 3d Dist. 2001).*

76. Prohibition of *Fla. Stat. ch. 61.30(11)(b),* from adjusting a child support award based upon the independent income of the child, not does not apply to social security benefits received by the child because of a parent's disability; those benefits should be factored into a child support calculation. *Wallace v. Ex Rel. Cutter, 774 So. 2d 804, 2000 Fla. App. LEXIS 16820, 26 Fla. L. Weekly D 34 (Fla. Dist. Ct. App. 2d Dist. 2000).*

77. Where husband contended that the parties' child was no longer in day care and that he was entitled to modification under *Fla. Stat. ch. 61.30(a)* where the child was spending a substantial amount of time with the husband; trial court erred in dismissing the former husband's petition for modification on the grounds of res judicata where the supplemental petition raised issues not previously addressed. *Sanchez v. Sanchez, 773 So. 2d 611, 2000 Fla. App. LEXIS 15986, 25 Fla. L. Weekly D 2801 (Fla. Dist. Ct. App. 5th Dist. 2000).*

78. Trial court could not, pursuant to *Fla. Stat. ch. 61.30(2)(b),* impute income to a divorced husband and award child support payments retroactive to a date prior to the date of the filing of the divorced wife's pleading seeking such support without first finding that he was voluntarily unemployed or underemployed. *McDowell v. McDowell, 770 So. 2d 1289, 2000 Fla. App. LEXIS 15174, 25 Fla. L. Weekly D 2719 (Fla. Dist. Ct. App. 1st Dist. 2000).*

79. Trial court erred in utilizing *Fla. Stat. ch. 61.30(17)* for a modification proceeding involving child support; the court found that the effective date for the modification was when the mother filed her counterpetition. *Stokes v. Huelsman, 770 So. 2d 701, 2000 Fla. App. LEXIS 13088, 25 Fla. L. Weekly D 2392 (Fla. Dist. Ct. App. 5th Dist. 2000),* review denied by *786 So. 2d 1185, 2001 Fla. LEXIS 311 (Fla. 2001).*

80. The 1996 amendment to *Fla. Stat. ch. 61.30(2)(a)(9),* which included spousal support "court ordered in the marriage before the court" in the calculation of a party's gross income, is remedial in nature, and may be applied retroactively. *Webb v. Webb, 765 So. 2d 220, 2000 Fla. App. LEXIS 9199, 25 Fla. L. Weekly D 1740 (Fla. Dist. Ct. App. 2d Dist. 2000).*

81. Trial court's retroactive application of *Fla. Stat. ch. 61.30(2)(a)(9)* to include rehabilitative spousal support previously ordered back to the date of the filing of wife's petition for modification of child support was an abuse of discretion; when a month after filing, former husband had yet to earn any income for that year, former wife was not entitled to child support, and former husband had not earned $10,000 until sometime after that. *Webb v. Webb, 765 So. 2d 220, 2000 Fla. App. LEXIS 9199, 25 Fla. L. Weekly D 1740 (Fla. Dist. Ct. App. 2d Dist. 2000).*

82. *Fla. Stat. ch. 61.30(1)(b)* does not apply to a situation in which a parent agrees to pay an amount above the guidelines and later files for modification to obtain a reduction without showing any decrease in income or in the child's needs. *Ervin v. Chason, 750 So. 2d 148, 2000 Fla. App. LEXIS 794, 25 Fla. L. Weekly D 350 (Fla. Dist. Ct. App. 1st Dist. 2000).*

83. Order that modified a child support obligation that included the wife's imputed income calculation was improper because the wife's imputed income did not constitute payment of living expenses that *Fla. Stat. ch. 61.30(2)(a)(13)* contemplated where the wife had not actually earned the funds and paid expenses. *State v. Martinez, 744 So. 2d 580, 1999 Fla. App. LEXIS 15051, 24 Fla. L. Weekly D 2562 (Fla. Dist. Ct. App. 2d Dist. 1999).*

84. Order modifying downward the child support obligation of a father was reversed in part because the father never raised the support of subsequent children as a defense to a petition to increase child support, but raised only the support of three older children; therefore, his wife's income should not have been considered pursuant to *Fla. Stat. 61.30(12).* Furthermore, the wife's imputed income did not constitute the payment of living expenses that *Fla. Stat. ch. 61.30(2)(a)(13)* contemplates because the wife was not actually earning the funds and paying the expenses. *Department of Revenue Ex Rel. Cornejo v. Martinez, 744 So. 2d 580, 1999 Fla. App. LEXIS 15051, 24 Fla. L. Weekly D 2562 (Fla. Dist. Ct. App. 2d Dist. 1999).*

85. Court entered a modification of father's child support obligation from $65 to $200 per month when the guidelines amount was $280 per month; mere size of the increase from $65 to $280 did not justify deviation from guidelines down to $200. *Bolds v. Strong, 744 So. 2d 487, 1999 Fla. App. LEXIS 12183, 24 Fla. L. Weekly D 2126 (Fla. Dist. Ct. App. 1st Dist. 1999).*

86. Pursuant to *Fla. Stat. ch. 61.30(11)*, a court may adjust a minimum child support award based upon a consideration of the independent income of the child, not to include moneys received by a child from supplemental security income. *Gomez v. Gomez, 736 So. 2d 119, 1999 Fla. App. LEXIS 8338, 24 Fla. L. Weekly D 1475 (Fla. Dist. Ct. App. 4th Dist. 1999).*

87. Order that off-set a child's supplemental income pro rata from the parties' support obligations was not erroneous, as the father argued, because it failed to award the father dollar for dollar credit. *Fla. Stat. ch. 61.30(11)* permitted the court to adjust the minimum child support award based on the independent income of the child, but it could not include moneys received by a child from supplemental security income. *Gomez v. Gomez, 736 So. 2d 119, 1999 Fla. App. LEXIS 8338, 24 Fla. L. Weekly D 1475 (Fla. Dist. Ct. App. 4th Dist. 1999).*

88. Custodial parent's on-going financial obligations for the support of her children limited reduction in the amount of child support due to her while her children resided with non-custodial parent during the summer months to no more than 50 percent of the guideline amount established by *Fla. Stat. ch. 61.30(11). Gomez v. Gomez, 727 So. 2d 1092, 1999 Fla. App. LEXIS 2399, 24 Fla. L. Weekly D 630 (Fla. Dist. Ct. App. 1st Dist. 1999).*

89. Trial court failed to issue a written order that explained the amount of child support payments that varied by more than 5 percent from the guideline amount, and failed to refer to any specific finding in the record to justify its determination that it would have been unjust to adhere to the guideline amount as required by *Fla. Stat. ch. 61.30(1)(a). Gomez v. Gomez, 727 So. 2d 1092, 1999 Fla. App. LEXIS 2399, 24 Fla. L. Weekly D 630 (Fla. Dist. Ct. App. 1st Dist. 1999).*

90. Trial court erred by requiring a mother, the primary residential parent, to pay child support to the father, the noncustodial parent, when the children were living with the father during the summer because the trial court did not explain why it deviated from the guidelines that limited reductions in the father's support obligation, as required by *Fla. Stat. ch. 61.30(1)(a)*, (11)(g). *Gomez v. Gomez, 727 So. 2d 1092, 1999 Fla. App. LEXIS 2399, 24 Fla. L. Weekly D 630 (Fla. Dist. Ct. App. 1st Dist. 1999).*

91. In ordering a father to pay less than the amount of child support proscribed under the guideline amount set forth in *Fla. Stat. ch. 61.30*, the trial court improperly considered the father's minimum wage salary and used it as a reason to deviate from the guideline; because the father's earnings were already taken into consideration when calculating the guideline obligation, his salary could not be used as a reason to deviate from the guideline amount, which is presumptively correct. *McGhee v. Childress, 724 So. 2d 196, 1999 Fla. App. LEXIS 614, 24 Fla. L. Weekly D 311 (Fla. Dist. Ct. App. 1st Dist. 1999).*

92. Lower court erred when it modified a child support agreement because it deducted the mother's family plan insurance premiums from the mother's income while at the same time the father was required to have reimbursed for such premiums under *Fla. Stat. ch. 61.30(8). Thorsen v. Stuglik, 725 So. 2d 396, 1998 Fla. App. LEXIS 16044, 24 Fla. L. Weekly D 135 (Fla. Dist. Ct. App. 4th Dist. 1998).*

93. Modification of child support was improper where the trial court ordered an increase in the amount of 25 percent without making findings to explain or support its ruling pursuant to *Fla. Stat. ch. 61.30(1)(a). Fisher v. Fisher, 722 So. 2d 243, 1998 Fla. App. LEXIS 15315, 23 Fla. L. Weekly D 2703 (Fla. Dist. Ct. App. 2d Dist. 1998).*

94. Where mother had agreed in the parties' marital settlement agreement, which was ratified and incorporated in the final judgment of dissolution, to attend a degree-seeking program at an accredited college, but dropped out two courses shy of the degree requirements, the trial court could not impute an income to her for child support modification purposes based on what a person holding a two-year accounting degree could earn; *Fla. Stat. ch. 61.30(2)(b)* requires the trial court to consider the mother's "occupational qualifications," not potential occupational qualifications. *Hinton v. Smith, 725 So. 2d 1154, 1998 Fla. App. LEXIS 14349, 23 Fla. L. Weekly D 2505 (Fla. Dist. Ct. App. 2d Dist. 1998).*

95. Former spouse's remarriage to a new spouse who can contribute to expenses may increase former spouse's disposable income after he or she pays child support obligations, however such additional income is not properly treated as "reimbursed expenses or in kind payments to the extent that they reduce living expenses" under *Fla. Stat. ch. 61.30(2)(a)(13)* and plays no role in calculating child support. *Hinton v. Smith, 725 So. 2d 1154, 1998 Fla. App. LEXIS 14349, 23 Fla. L. Weekly D 2505 (Fla. Dist. Ct. App. 2d Dist. 1998).*

96. Contrary to a child support modification proceeding where circumstances not contemplated by the final judgment of marital dissolution may warrant a permanent change in the final judgment, the "summer visitation" temporary reduction is a reduction which a noncustodial parent is entitled to request under *Fla. Stat. ch. 61.30(11)(g)*; all that is required to initiate the statutory entitlement to request reduction is a motion and evidentiary hearing at which the custodial parent can offer evidence and contest the reduction and its amount. *Roshkind v. Roshkind, 717 So. 2d 545, 1998 Fla. App. LEXIS 8002, 23 Fla. L. Weekly D 1598 (Fla. Dist. Ct. App. 4th Dist. 1998).*

97. Absent some special circumstance, the presence of a subsequent child will not justify a deviation from support guidelines; however, *Fla. Stat. ch. 61.30(12)* does not prohibit consideration of subsequent children. *Gebauer v. State, 706 So. 2d 407, 1998 Fla. App. LEXIS 2149, 23 Fla. L. Weekly D 629 (Fla. Dist. Ct. App. 4th Dist. 1998).*

98. Appellate court could not review propriety of modification order lowering the amount of child support to an amount below the guidelines without specific findings in the modification order regarding the children and the parents, including the children's needs, ages, stations in life, standard of living, and the financial status and ability of each parent to pay. *Department of Revenue by Strockbine v. Strockbine, 705 So. 2d 137, 1998 Fla. App. LEXIS 1010, 23 Fla. L. Weekly D 433 (Fla. Dist. Ct. App. 1st Dist. 1998).*

99. For purposes of a petition to reduce child support, a change of circumstances independent of *Fla. Stat. ch. 61.30(1)(b)* is required in order to justify a change in a parent's child support obligation; *Fla. Stat. ch. 61.30(1)(b)* is intended only to provide one simplified means of establishing that such change is substantial. *Knight v. Knight, 702 So. 2d 242, 1997 Fla. App. LEXIS 13123, 22 Fla. L. Weekly D 2630 (Fla. Dist. Ct. App. 4th Dist. 1997).*

100. For purposes of a petition to reduce child support, a noncustodial father was entitled to a reduction because he established a change of circumstances independent of *Fla. Stat. ch. 61.30(1)(b)*; his out-of-pocket income had decreased substantially. *Knight v. Knight, 702 So. 2d 242, 1997 Fla. App. LEXIS 13123, 22 Fla. L. Weekly D 2630 (Fla. Dist. Ct. App. 4th Dist. 1997).*

101. Calculation of a parent's child support obligation without considering tax deductions and exemptions was improper because *Fla. Stat. ch. 61.30(3)* requires that allowable deductions and exemptions should be considered when determining an award of child support. *Feidelman v. Feidelman, 699 So. 2d 744, 1997 Fla. App. LEXIS 9459, 22 Fla. L. Weekly D 1978 (Fla. Dist. Ct. App. 4th Dist. 1997).*

102. Pursuant to *Fla. Stat. ch. 61.30*, trial court properly imputed income to husband for support payments because husband's post-graduate studies constituted voluntary unemployment. *Ledbetter v. Bell, 698 So. 2d 1272, 1997 Fla. App. LEXIS 9208, 22 Fla. L. Weekly D 1932 (Fla. Dist. Ct. App. 4th Dist. 1997).*

103. Where he chose to attend law school, father's reduction in income was voluntary under *Fla. Stat. ch. 61.30(2)(b)*, and while it was insufficient to support a finding of substantial change in circumstances, the court held that his

reduction in income and respective reduction in child support would not necessarily act to ensure the present and future economic well being of the children. *Overbey v. Overbey, 698 So. 2d 811, 1997 Fla. LEXIS 727, 22 Fla. L. Weekly S 328 (Fla. 1997).*

104. *Fla. Stat. ch. 61.30(b)(1)* did not, of itself, permit the downward modification of a child support payment which the obligor had agreed to in a settlement agreement incident to dissolution, at least where the agreement had been made less than one year before the obligor petitioned for modification. *Turner v. Turner, 695 So. 2d 422, 1997 Fla. App. LEXIS 5575, 22 Fla. L. Weekly D 1266 (Fla. Dist. Ct. App. 3d Dist. 1997).*

105. Child support obligor could not reduce an agreed-upon amount of child support less than one year after the agreement merely because it exceeded the amount that was set by the guidelines, pursuant to *Fla. Stat. ch. 61.30(1)(b),* because there was no showing of a decrease in the child's needs or in the obligor's ability to pay. *Turner v. Turner, 695 So. 2d 422, 1997 Fla. App. LEXIS 5575, 22 Fla. L. Weekly D 1266 (Fla. Dist. Ct. App. 3d Dist. 1997).*

106. Where father agreed to pay child support in property settlement agreement, and subsequently lost his job, quit a second, lower paying job, then applied for modification of child support, trial court erred in refusing to consider the initial job loss. *Abdella v. Abdella, 693 So. 2d 637, 1997 Fla. App. LEXIS 4182, 22 Fla. L. Weekly D 1005 (Fla. Dist. Ct. App. 3d Dist. 1997).*

107. In a proceeding for modification of child support, income could not be imputed to the father without first making a specific finding that his underemployment was voluntary, as required by *Fla. Stat. ch. 61.30(2)(b). Brock v. Brock, 695 So. 2d 744, 1997 Fla. App. LEXIS 1885, 22 Fla. L. Weekly D 629 (Fla. Dist. Ct. App. 1st Dist. 1997).*

108. Even though the trial court attached a transcript to its order modifying the father's child support obligation, specific findings by the trial court, as to why the amount of child support set forth in the guidelines was unjust or inappropriate, were required pursuant to *Fla. Stat. ch. 61.30(1)(a)* in order to increase the father's child support obligation by more than 5% over the guideline amount. *Lotz v. Lotz, 686 So. 2d 704, 1996 Fla. App. LEXIS 13422, 22 Fla. L. Weekly D 110 (Fla. Dist. Ct. App. 2d Dist. 1996).*

109. Ex-husband was not entitled to a reduction in his child support obligation because no substantial change of circumstances existed where he voluntarily left his employment for a lower paying job; *Fla. Stat. ch. 61.30(2)(b)* required that the trial court impute income to the ex-husband. *Burdette v. Burdette, 681 So. 2d 862, 1996 Fla. App. LEXIS 10890, 21 Fla. L. Weekly D 2243 (Fla. Dist. Ct. App. 5th Dist. 1996).*

110. In a husband's action for a reduction of child support payments, the trial court erroneously reduced the child support award downward where pursuant to *Fla. Stat. ch. 61.30(12),* subsequent children may not have been considered in a downward departure case. *Miller-Bent v. Miller-Bent, 680 So. 2d 1119, 1996 Fla. App. LEXIS 11441, 21 Fla. L. Weekly D 2252 (Fla. Dist. Ct. App. 1st Dist. 1996).*

111. Trial court erred in basing its denial of modification of child support based on the sole finding that a mother was voluntarily underemployed, without considering the criteria enumerated under *Fla. Stat. ch. 61.30* and making appropriate findings of fact to support its ruling. *Department of Revenue Ex Rel. Young v. Sumblin, 675 So. 2d 691, 1996 Fla. App. LEXIS 6661, 21 Fla. L. Weekly D 1500 (Fla. Dist. Ct. App. 1st Dist. 1996).*

112. Trial court was required to consider the statutory criteria and make appropriate findings of fact before denying a mother's request for modification of the child support she received from the children's father. The criteria included considering the mother's reduction in income due to her scheduling her work around her daughter's school schedule so that she could be home when her daughter came home from school. *Department of Revenue Ex Rel. Young v. Sumblin, 675 So. 2d 691, 1996 Fla. App. LEXIS 6661, 21 Fla. L. Weekly D 1500 (Fla. Dist. Ct. App. 1st Dist. 1996).*

113. While *Fla. Stat. ch. 61.30* regarding modification of support does not mandate a conclusion that there has been a substantial change in circumstances, the statute does require the trial court to consider the appropriate statutory criteria and to make appropriate findings of fact to support its rulings. Such findings include an explanation of why ordering payment of such guideline amount would be unjust or inappropriate and why variance from the guidelines did not

demonstrate a substantial change in circumstances. *Department of Revenue Ex Rel. Young v. Sumblin, 675 So. 2d 691, 1996 Fla. App. LEXIS 6661, 21 Fla. L. Weekly D 1500 (Fla. Dist. Ct. App. 1st Dist. 1996).*

114. Existence of a settlement agreement between parents does not result in the placement of a heavier burden of proof on the party moving for modification of an award of child support. *Department of Revenue Ex Rel. Young v. Sumblin, 675 So. 2d 691, 1996 Fla. App. LEXIS 6661, 21 Fla. L. Weekly D 1500 (Fla. Dist. Ct. App. 1st Dist. 1996).*

115. Child support guidelines are applicable to modification proceedings. The guidelines may provide the basis for finding a substantial change in circumstances and the guidelines amount is presumptively the amount the trier of fact shall order in either an initial or modification proceeding. *Department of Revenue Ex Rel. Young v. Sumblin, 675 So. 2d 691, 1996 Fla. App. LEXIS 6661, 21 Fla. L. Weekly D 1500 (Fla. Dist. Ct. App. 1st Dist. 1996).*

116. Trial court erred in allowing ex-husband to reduce his child support obligations under *Fla. Stat. ch. 61.30(1)(a),* after he paid ex-wife's portion of the marital debt, because the trial court did not consider the needs of the children when it ordered the reduction in support, and the ex-husband did not prove a substantial change in circumstances. *Smoot v. Smoot, 685 So. 2d 1337, 1996 Fla. App. LEXIS 5538, 21 Fla. L. Weekly D 1309 (Fla. Dist. Ct. App. 2d Dist. 1996).*

117. In an appeal from modification of child support, a written finding, or a specific finding on the record explaining why the payment of the guideline amount would be unjust or inappropriate was required by *Fla. Stat. ch. 61.30* when the amount varied more than 5 percent above or below the guidelines. *Department of Revenue v. Beal, 672 So. 2d 608, 1996 Fla. App. LEXIS 4114, 21 Fla. L. Weekly D 1022 (Fla. Dist. Ct. App. 1st Dist. 1996).*

118. Where a trial court modified a father's child support payments, a written, specific finding on the record explaining why the modified amount was more than five percent below the guidelines was required. *Department of Revenue v. Beal, 672 So. 2d 608, 1996 Fla. App. LEXIS 4114, 21 Fla. L. Weekly D 1022 (Fla. Dist. Ct. App. 1st Dist. 1996).*

119. Denial of a mother's motion for modification of a child support order was remanded where trial court had not conducted sufficient fact-finding to determine whether a discrepancy of at least 15 percent in the parties' relevant income and expenses existed as was required by *Fla. Stat. ch. 61.30(1)(b)* in order to find a substantial change in circumstances that would justify modification of child support. *Matthews v. Matthews, 677 So. 2d 323, 1996 Fla. App. LEXIS 4059, 21 Fla. L. Weekly D 1010 (Fla. Dist. Ct. App. 1st Dist. 1996).*

120. Divorced father's increased income justified an increase in his child support obligation, given that his share of the parties' combined income had increased, thus justifying his carrying a proportionate increase in support; however, where the trial court failed to make specific findings on the record as required for a modification under the guidelines, the case had to be remanded to the trial court. *Matthews v. Matthews, 677 So. 2d 323, 1996 Fla. App. LEXIS 4059, 21 Fla. L. Weekly D 1010 (Fla. Dist. Ct. App. 1st Dist. 1996).*

121. Trial court erred in denying former wife's request for child support modification where there was a settlement agreement in place, but the former wife alleged that there was a substantial change in circumstances greater than the 15 percent required for modification of child support under *Fla. Stat. ch. 61.30(1)(b)*; the trial court should have considered whether there was a substantial change in circumstances, as well as the best interests of the child. *Hyatt v. Hyatt, 672 So. 2d 74, 1996 Fla. App. LEXIS 3894, 21 Fla. L. Weekly D 943 (Fla. Dist. Ct. App. 1st Dist. 1996).*

122. Reduction from the child support amount ordered to be paid to wife was permitted only if the children stayed with husband for more than 28 consecutive days pursuant to *Fla. Stat. ch. 61.30(11)(g). Didier v. Didier, 669 So. 2d 1072, 1996 Fla. App. LEXIS 2029, 21 Fla. L. Weekly D 581 (Fla. Dist. Ct. App. 1st Dist. 1996).*

123. Trial court erred in denying a former wife's post dissolution motion for modification of child support; the parties' unambiguous settlement agreement that was incorporated into the final judgment expressly permitted the wife to request a modification to establish a child support amount under the child support guidelines, *Fla. Stat. ch. 61.30*, and waived any requirement that she establish a change of circumstances. *Ballantyne v. Ballantyne, 666 So. 2d 957, 1996 Fla. App. LEXIS 79, 21 Fla. L. Weekly D 159 (Fla. Dist. Ct. App. 1st Dist. 1996).*

124. Award of child support was reviewed and remanded for reconsideration on appeal in part because the net income should have been imputed only after taking the allowable deductions from an imputed gross income figure as provided in *Fla. Stat. ch. 61.30(3). Alon v. Alon, 665 So. 2d 1110, 1996 Fla. App. LEXIS 33, 21 Fla. L. Weekly D 92 (Fla. Dist. Ct. App. 4th Dist. 1996).*

125. In a mother's challenge to an order setting a father's child support obligation, the trial court failed to make the requisite findings of fact under *Fla. Stat. ch. 61.30(2)(b)* to impute a monthly income of $1733.33. to the mother, whose financial affidavit stated a monthly income of $50.00. *Cortez-Williams v. Douglass, 659 So. 2d 1250, 1995 Fla. App. LEXIS 9022, 20 Fla. L. Weekly D 2005 (Fla. Dist. Ct. App. 1st Dist. 1995).*

126. Where the supporting father decided to forego a present higher salary to pursue career-enhancing training and education at a lower salary, the trial court had to determine whether he was "voluntarily underemployed" within the meaning of *Fla. Stat. ch. 61.30(b)*; in making this determination, the trial court had to balance the needs and desires of the supporting parent to enhance his or her career against the current needs of the former spouse and minor children for support. *Ledbetter v. Bell, 658 So. 2d 1146, 1995 Fla. App. LEXIS 8193, 20 Fla. L. Weekly D 1781 (Fla. Dist. Ct. App. 4th Dist. 1995),* overruled by *Overbey v. Overbey, 698 So. 2d 811, 1997 Fla. LEXIS 727, 22 Fla. L. Weekly S 328 (Fla. 1997).*

127. In a modification of a child support order, the court abused its discretion when it deviated from the child support guidelines after considering that the father had a baby to support with his new wife because, pursuant to *Fla. Stat. ch. 61.30(12),* the existence of a subsequent child should not have been considered as a basis for disregarding the guidelines. *Robinson v. Robinson, 657 So. 2d 958, 1995 Fla. App. LEXIS 7722, 20 Fla. L. Weekly D 1675 (Fla. Dist. Ct. App. 1st Dist. 1995).*

128. Trial court's failure to include the former husband's overtime income in the former wife's petition for an upward modification of child support was improper because under *Fla. Stat. ch. 61.30(2)(a)*2, regular overtime earnings were to be included in the determination of gross income unless there was a specific finding that such earnings would not be available in the future. *Skipper v. Skipper, 654 So. 2d 1181, 1995 Fla. App. LEXIS 2804, 20 Fla. L. Weekly D 723 (Fla. Dist. Ct. App. 3d Dist. 1995).*

129. Trial court abused its discretion when it failed to deduct a portion of the mother's net monthly income to reflect her support of her three older children, because *Fla. Stat. ch. 61.30* permitted an adjustment of the minimum child support award on the basis of any other adjustment needed to achieve an equitable result. *Hutslar v. Lappin, 652 So. 2d 432, 1995 Fla. App. LEXIS 2642, 20 Fla. L. Weekly D 699 (Fla. Dist. Ct. App. 1st Dist. 1995).*

130. Trial court improperly ordered the husband to pay child support based on income imputed to him over and above his actual salary because a spouse who suffered a temporary reduction in income to complete his education had not voluntarily reduced his income; thus, the trial court was ordered to recalculate the child support in conformity with *Fla. Stat. ch. 61.30. Sotnick v. Sotnick, 650 So. 2d 157, 1995 Fla. App. LEXIS 945, 20 Fla. L. Weekly D 347 (Fla. Dist. Ct. App. 3d Dist. 1995).*

131. Trial court's child support modification order was deficient for failing to provide a written finding, or a specific finding on the record as contemplated by *Fla. Stat. ch. 61.30(1)(a),* explaining why ordering payment of the guideline amount was unjust or inappropriate. *Jones v. Jones, 636 So. 2d 867, 1994 Fla. App. LEXIS 4422, 19 Fla. L. Weekly D 1052 (Fla. Dist. Ct. App. 4th Dist. 1994).*

132. Because the 1993 amendments to *Fla. Stat. ch. 61.30* neither created nor removed vested rights as to modification or marital dissolution judgments, but merely conferred or changed the remedy, the remedial measures in the 1993 amendments applied to child support modification proceedings which were pending on the effective date of amendment, July 1, 1993. *Whight v. Whight, 635 So. 2d 135, 1994 Fla. App. LEXIS 3373, 19 Fla. L. Weekly D 832 (Fla. Dist. Ct. App. 1st Dist. 1994).*

133. Child support guidelines under *Fla. Stat. ch. 61.30* are not inflexible, and allow child support in an amount different from the guideline amount upon a written finding, or a specific finding on the record, explaining why ordering

payment of such guideline amount would be unjust or inappropriate. *Pridgeon v. Pridgeon, 632 So. 2d 257, 1994 Fla. App. LEXIS 1337, 19 Fla. L. Weekly D 444 (Fla. Dist. Ct. App. 1st Dist. 1994).*

134. In modifying child support, it was an error for the trial court to exclude mother's regular overtime at her full-time job and income from a second job she held without making a specific finding that these sources of income would not be available in the future; also, the trial court erred in allowing deductions for voluntary contributions to a profit-sharing plan, repayments of a profit sharing loan, payments into a credit union for savings and repayment of a loan because these did not fit any of the allowable categories of deductions under *Fla. Stat. ch. 61.30(3). Butler v. Brewster, 629 So. 2d 1092, 1994 Fla. App. LEXIS 32, 19 Fla. L. Weekly D 114 (Fla. Dist. Ct. App. 4th Dist. 1994).*

135. Under *Fla. Stat. ch. 61.30(2)(b)*, the court could not impute income to parent for purposes of increasing child support obligation in the absence of any evidence that the parent had the ability to pay the increased amount. *Edwards v. Edwards, 615 So. 2d 178, 1993 Fla. App. LEXIS 2366, 18 Fla. L. Weekly D 625 (Fla. Dist. Ct. App. 3d Dist. 1993).*

136. When amendments to the statutory child support guidelines, *Fla. Stat. ch. 61.30*, took effect while an action for modification of child support was pending, the child support obligation should have been decided under the new statute. *Pelton v. Pelton, 617 So. 2d 714, 1992 Fla. App. LEXIS 12786, 18 Fla. L. Weekly D 42 (Fla. Dist. Ct. App. 1st Dist. 1992),* questioned by *King v. King, 734 So. 2d 470, 1999 Fla. App. LEXIS 6035, 24 Fla. L. Weekly D 1143 (Fla. Dist. Ct. App. 3d Dist. 1999).*

137. Although payment of spousal support is not among the statutory deductions of *Fla. Stat. ch. 61.30(3)*, the trial court has discretion, pursuant to *Fla. Stat. ch. 61.30*, to adjust the minimum child support award or the parental shares thereof, based on the payment of spousal support. *Pelton v. Pelton, 617 So. 2d 714, 1992 Fla. App. LEXIS 12786, 18 Fla. L. Weekly D 42 (Fla. Dist. Ct. App. 1st Dist. 1992),* questioned by *King v. King, 734 So. 2d 470, 1999 Fla. App. LEXIS 6035, 24 Fla. L. Weekly D 1143 (Fla. Dist. Ct. App. 3d Dist. 1999).*

138. Although mother's petition for modification of a child support order was filed before the 1991 amendment to the child support guidelines under *Fla. Stat. ch. 61.30* took effect, the amendment was a remedial statute, and was thus applicable to proceedings that were pending when the law took effect. *Reed v. Reed, 597 So. 2d 936, 1992 Fla. App. LEXIS 5153, 17 Fla. L. Weekly D 1143 (Fla. Dist. Ct. App. 1st Dist. 1992).*

139. Trial court improperly modified a former husband's child support obligation under *Fla. Stat. ch. 61.30(1)(a)* because there was no record evidence establishing that a former wife's needs were less than the minimum guidelines amount for parties earning a combined income of more than $50,000 annually. *Torres v. Hunter, 592 So. 2d 757, 1992 Fla. App. LEXIS 449, 17 Fla. L. Weekly D 288 (Fla. Dist. Ct. App. 1st Dist. 1992).*

140. When a trial court granted a mother's petition for modification of child support but failed to award as a minimum an amount that was required under the child-support guidelines, the award was inappropriate. Where the parties' combined income exceeded the $ 50,000 maximum that was provided under *Fla. Stat. ch. 61.30* in 1991, the trial court had to nevertheless use the maximum presumptive guidelines amount as a "floor" to the child support award. *Barrs v. Barrs, 590 So. 2d 980, 1991 Fla. App. LEXIS 12211, 16 Fla. L. Weekly D 3024 (Fla. Dist. Ct. App. 1st Dist. 1991).*

141. A father could not be ordered to file a financial affidavit in a proceeding for an upward modification of child support where the father stipulated to his ability to satisfy any increase awarded by the court; to the extent *Fla. Stat. ch. 61.30* appeared to require an affidavit it represented an invalid legislative intrusion into the procedural rule making authority of the supreme court. *Schou v. Miller, 583 So. 2d 805, 1991 Fla. App. LEXIS 8039, 16 Fla. L. Weekly D 2153 (Fla. Dist. Ct. App. 3d Dist. 1991),* quashed by *616 So. 2d 436, 1993 Fla. LEXIS 595, 18 Fla. L. Weekly S 228 (Fla. 1993).*

142. Where child required extraordinary medical expenses, reasonable persons could differ as to whether such expenses justified the contested increase in noncustodial father's child support, and under *Fla. Stat. ch. 61.30* trial court's deviation from support guidelines would not be disturbed. *Silver v. Borrelli, 584 So. 2d 1077, 1991 Fla. App. LEXIS 7722, 16 Fla. L. Weekly D 2066 (Fla. Dist. Ct. App. 4th Dist. 1991).*

143. A modified award of child support was affirmed because new child support guidelines upon which the modified award was based, under *Fla. Stat. ch. 61.30*, applied in any action for modification of a pre-existing child support filed on or after the statute's effective date. *Martinez v. Garcia, 575 So. 2d 1365, 1991 Fla. App. LEXIS 2130, 16 Fla. L. Weekly D 667 (Fla. Dist. Ct. App. 3d Dist. 1991).*

144. Pursuant to *Fla. Stat. ch. 61.30*, the trial court erred in substituting its own formula to calculate a modification of child support rather than using the statutory formula. *Department of Health & Rehabilitative Servs. v. Massey, 568 So. 2d 1343, 1990 Fla. App. LEXIS 8360, 15 Fla. L. Weekly D 2691 (Fla. Dist. Ct. App. 5th Dist. 1990).*

145. Retroactive award of child support for a full two years before the date of the mother's paternity petition was error because such relief was not sought nor was there evidence to support it; instead, the undisputed evidence was that the parties had lived together for part of that two-year period. *Stanley B. Ditton, Appellant, v. Paula R. Circelli, Appellee., 888 So. 2d 161, 2004 Fla. App. LEXIS 18299, 29 Fla. L. Weekly D 2703 (Fla. Dist. Ct. App. 5th Dist. 2004).*

146. Trial court erred in allowing the father to deduct fraudulent spousal support payments and a transfer of half of his pension to his wife as support for a "previous marriage" to reduce the father's obligations to his child following a paternity determination. *Camus v. Prokosch, 882 So. 2d 428, 2004 Fla. App. LEXIS 12174, 29 Fla. L. Weekly D 1915 (Fla. Dist. Ct. App. 1st Dist. 2004).*

147. Any child support award must allow for the child's special needs; trial court's child support award was reversed where the child's special schooling and treatments were undisputed, despite the parties' different methods of addressing these needs, but the order failed to account for those special needs. *Torres v. Torres, 883 So. 2d 839, 2004 Fla. App. LEXIS 11758, 29 Fla. L. Weekly D 1825 (Fla. Dist. Ct. App. 3d Dist. 2004).*

148. Trial court erred in imputing income to a former wife based on her previously earned salary in New Jersey as there was no record evidence to support a finding that she could earn that amount in the local prevailing job market, as required by *Fla. Stat. ch. 61.30(2)(b)*; rather, the amount she had earned previously in her Florida job should have been used. *Harbus v. Harbus, 874 So. 2d 1230, 2004 Fla. App. LEXIS 7363, 29 Fla. L. Weekly D 1260 (Fla. Dist. Ct. App. 4th Dist. 2004).*

149. Where a father speculated that he could earn more money and there was no showing that the children needed support or that the father had the ability to pay during the time that the children's grandmother took care of them, the trial court erred in imputing income to the father and awarding retroactive child support during the time that the grandmother provided support. *Smith v. Smith, 872 So. 2d 397, 2004 Fla. App. LEXIS 6101, 29 Fla. L. Weekly D 1079 (Fla. Dist. Ct. App. 1st Dist. 2004).*

150. Since it appeared that the provision for child support contained a legal error on its face, as it was plain from the record as well as from the trial court's own judgment, that the father's actual income during the retroactive period was different from the amount imputed, the matter of support had to be remanded. *Cameron v. Dickey, 871 So. 2d 1022, 2004 Fla. App. LEXIS 6073, 29 Fla. L. Weekly D 1055 (Fla. Dist. Ct. App. 5th Dist. 2004).*

151. Where trial court, in awarding a wife child support, made no findings as to either party's net income, made no reference to the child support guidelines, made no finding that the husband's recurring income was insufficient to meet the child's needs, and did not value the assets being invaded to meet the child support obligation, the child support award was reversed. *Guida v. Guida, 870 So. 2d 222, 2004 Fla. App. LEXIS 3771, 29 Fla. L. Weekly D 731 (Fla. Dist. Ct. App. 2d Dist. 2004).*

152. Trial court erred in calculating a father's income for purposes of *Fla. Stat. ch. 61.30(2)-(4)* based on his gross receipts as evidenced by a Form 1099 from the contractor he worked for without subtracting the father's ordinary and necessary business expenses where the father submitted evidence of the amounts paid to him by the contractor, his business expenses, his tax returns, and his bank account records. *Berges v. Berges, 871 So. 2d 919, 2004 Fla. App. LEXIS 3291, 29 Fla. L. Weekly D 648 (Fla. Dist. Ct. App. 3d Dist. 2004).*

153. Although the trial court properly imputed income to the former wife due to her voluntary unemployment, the evidence was woefully inadequate to support a finding of an imputed income in an amount that exceeded the amount that she had previously earned. *Owen v. Owen, 867 So. 2d 1222, 2004 Fla. App. LEXIS 3088, 29 Fla. L. Weekly D 637 (Fla. Dist. Ct. App. 5th Dist. 2004).*

154. Trial court's determination, arising from the parties' dissolution of marriage proceeding, that the husband was obligated to pay a set amount of child support for the parties' three minor children pursuant to *Fla. Stat. ch. 61.30* was not reviewable on appeal where the trial court failed to make specific findings as to how it arrived at the determined amount, necessitating a remand. *Karimi v. Karimi, 867 So. 2d 471, 2004 Fla. App. LEXIS 1548, 29 Fla. L. Weekly D 405 (Fla. Dist. Ct. App. 5th Dist. 2004).*

155. Trial court did not err in failing to deviate from the child support guidelines in view of the fact that the parties' minor children would spend about 33 percent of their nights with the father as it is within the sound discretion of the trial court as to the potential adjustment of the support obligations; based on the statutory use of the word "may" rather than "shall," the determination is subject to an abuse of discretion standard. *Karimi v. Karimi, 867 So. 2d 471, 2004 Fla. App. LEXIS 1548, 29 Fla. L. Weekly D 405 (Fla. Dist. Ct. App. 5th Dist. 2004).*

156. Where a trial court made a child support award that the husband was obligated to pay on behalf of his two children, but failed to use the statutory formula of *Fla. Stat. ch. 61.30* in determining each parent's actual dollar share, and failed to make explicit factual findings, the award was made in error; the findings required included the actual incomes attributable to the husband and wife, the amount and source of any imputed income, the probable and potential earnings level, and the adjustments to income. *Manolakos v. Manolakos, 871 So. 2d 258, 2004 Fla. App. LEXIS 1315, 29 Fla. L. Weekly D 380 (Fla. Dist. Ct. App. 4th Dist. 2004).*

157. Where a former husband's right to seek a reduction of child support based on the amount of time spent with each parent was always available, the 2001 amendments to *Fla. Stat. ch. 61.30*, which provided a definitive formula, did not constitute a substantial change in circumstance and could not provide the sole basis upon which to seek a modification of child support; the court remanded the case, however, because the trial court might have believed that the daycare expenses were reduced monthly rather than weekly, thus, it had to reconsider whether it was a substantial change warranting a downward modification. *Fleischmann v. Fleischmann, 868 So. 2d 1, 2004 Fla. App. LEXIS 644, 29 Fla. L. Weekly D 300 (Fla. Dist. Ct. App. 4th Dist. 2004).*

158. Trial court erred in failing to make its reduction of a father's child support obligation retroactive and also erred under *Fla. Stat. ch. 61.30(1)(b)* in ordering the father to continue to make child support payments after mother's visitation was reduced to 30 percent. *Sichewski v. Sichewski, 862 So. 2d 850, 2003 Fla. App. LEXIS 18722, 28 Fla. L. Weekly D 2851 (Fla. Dist. Ct. App. 4th Dist. 2003).*

159. Where the former wife was voluntarily unemployed or underemployed, the trial court abused its discretion by failing to impute income to her in determining its child support award in accordance with *Fla. Stat. ch. 61.30(2)(b). Debacher v. Debacher, 867 So. 2d 404, 2003 Fla. App. LEXIS 17621, 28 Fla. L. Weekly D 2650 (Fla. Dist. Ct. App. 3d Dist. 2003).*

160. Trial court's imputation of income of 50 percent of the minimum wage under *Fla. Stat. ch. 61.30(2)(b)* was not supported by substantial evidence where appellant: (1) was unemployed, and had been unemployed for several years, (2) had difficulty sitting, standing, and walking, and had migraine headaches, (3) took prescribed narcotic analgesics to relieve pain, (4) had been denied social security disability insurance (SSDI) benefits, but was continuing to pursue SSDI benefits, and (5) was attempting to obtain job training. *Gerthe v. Gerthe, 857 So. 2d 306, 2003 Fla. App. LEXIS 15209, 28 Fla. L. Weekly D 2325 (Fla. Dist. Ct. App. 2d Dist. 2003).*

161. Pursuant to *Fla. Stat. ch. 61.30*(110(c), the trial court could award retroactive child support prior to the time the petition/motion for custody was filed. *Alday v. Gleason, 853 So. 2d 1105, 2003 Fla. App. LEXIS 13281, 28 Fla. L. Weekly D 2104 (Fla. Dist. Ct. App. 5th Dist. 2003).*

162. Trial court erred in failing to include the husband's trust income in the determination of his gross income when computing child support under *Fla. Stat. ch. 61.30(2)(a)(12). Beck v. Beck, 852 So. 2d 934, 2003 Fla. App. LEXIS 12831, 28 Fla. L. Weekly D 2035 (Fla. Dist. Ct. App. 2d Dist. 2003).*

163. In the final judgment of dissolution of marriage, because the trial court imputed income to the wife at a level of income unsupported by the evidence and in excess of any amount the wife had earned in the past, the judgment was reversed; the court imputed income to her at $20 per hour for a 40-hour work week when the most she had ever made before was $15 per hour, and there was no evidence that work was available for 40 hours per week. *Tarnawski v. Tarnawski, 851 So. 2d 239, 2003 Fla. App. LEXIS 11703, 28 Fla. L. Weekly D 1762 (Fla. Dist. Ct. App. 4th Dist. 2003).*

164. Where a father received in-kind benefits from his business that reduced his living expenses, the trial court failed to consider all of the benefits that the father received in determining the father's child support obligation. *Dep't of Revenue v. Hinnerschietz, 850 So. 2d 625, 2003 Fla. App. LEXIS 11043, 28 Fla. L. Weekly D 1699 (Fla. Dist. Ct. App. 2d Dist. 2003).*

165. Trial court erred in imputing income to a husband and finding that he had the earning capacity at least equal to that which he had been earning as an attorney, where he had just started to earn an increasing level of income in real estate sales, and his job changes occurred when he had residential custody of his children and was receiving, not paying, child support. *Wendel v. Wendel, 852 So. 2d 277, 2003 Fla. App. LEXIS 9490, 28 Fla. L. Weekly D 1498 (Fla. Dist. Ct. App. 2d Dist. 2003).*

166. Where an action for a protective injunction was brought on behalf of one child, a trial court's award of support and custody for another child and alimony to the mother was void ab initio. *Rinas v. Rinas, 847 So. 2d 555, 2003 Fla. App. LEXIS 8328, 28 Fla. L. Weekly D 1353 (Fla. Dist. Ct. App. 5th Dist. 2003).*

167. Granting a father primary physical residency was proper, as was vacating a vested child support arrearage, imputing income, denying fees, and awarding child support; however, the court erred by failing to make findings supporting imputed income and child support, requiring remand. *Artuso v. Dick, 843 So. 2d 942, 2003 Fla. App. LEXIS 4807, 28 Fla. L. Weekly D 906 (Fla. Dist. Ct. App. 4th Dist. 2003).*

168. Where the husband's share of the annual overnight visits was just over 40 percent, that was a "substantial amount of time" for purposes of *Fla. Stat. ch. 61.30(11)(b). Mitchell v. Mitchell, 841 So. 2d 564, 2003 Fla. App. LEXIS 3362, 28 Fla. L. Weekly D 714 (Fla. Dist. Ct. App. 2d Dist. 2003),* review dismissed by *846 So. 2d 1148, 2003 Fla. LEXIS 910 (Fla. 2003).*

169. While the trial court properly included the husband's overtime pay in its gross income calculation pursuant to *Fla. Stat. ch. 61.30(2)(a),* it needed to evaluate further whether the overtime was regular and continuous. *Mitchell v. Mitchell, 841 So. 2d 564, 2003 Fla. App. LEXIS 3362, 28 Fla. L. Weekly D 714 (Fla. Dist. Ct. App. 2d Dist. 2003),* review dismissed by *846 So. 2d 1148, 2003 Fla. LEXIS 910 (Fla. 2003).*

170. Since the children were school-age, the wife's perceived ability to bill merely 10 hours weekly was no longer justified and the trial court needed to carefully examine the wife's situation to determine whether the wife continued to be voluntarily underemployed, and if her underemployment was not justified under *Fla. Stat. ch. 61.30(2)(b),* the trial court needed to impute income to the wife. *Mitchell v. Mitchell, 841 So. 2d 564, 2003 Fla. App. LEXIS 3362, 28 Fla. L. Weekly D 714 (Fla. Dist. Ct. App. 2d Dist. 2003),* review dismissed by *846 So. 2d 1148, 2003 Fla. LEXIS 910 (Fla. 2003).*

171. When revisiting child support, the trial court could award the wife exclusive use and possession of the husband's premarital home during the children's minority only if it made findings, supported by competent, substantial evidence, demonstrating that such was necessary pursuant to *Fla. Stat. ch. 61.30(13). Mitchell v. Mitchell, 841 So. 2d 564, 2003 Fla. App. LEXIS 3362, 28 Fla. L. Weekly D 714 (Fla. Dist. Ct. App. 2d Dist. 2003),* review dismissed by *846 So. 2d 1148, 2003 Fla. LEXIS 910 (Fla. 2003).*

172. "Substantial amount of time" is defined to mean that the noncustodial parent exercises visitation at least 40 percent of the overnights of the year, *Fla. Stat. ch. 61.30(11)(b)(10) (2001). Mitchell v. Mitchell, 841 So. 2d 564, 2003 Fla. App.*

LEXIS 3362, 28 Fla. L. Weekly D 714 (Fla. Dist. Ct. App. 2d Dist. 2003), review dismissed by *846 So. 2d 1148, 2003 Fla. LEXIS 910 (Fla. 2003).*

173. *Fla. Stat. ch. 61.30(2)(b) (2000)* requires the court to impute income to a voluntarily underemployed parent, although it may refuse to impute income to a primary residential parent if it finds that it is necessary for the parent to stay home with the children. *Mitchell v. Mitchell, 841 So. 2d 564, 2003 Fla. App. LEXIS 3362, 28 Fla. L. Weekly D 714 (Fla. Dist. Ct. App. 2d Dist. 2003),* review dismissed by *846 So. 2d 1148, 2003 Fla. LEXIS 910 (Fla. 2003).*

174. Trial court abused its discretion in excluding the husband's present earnings and the historical salary in its calculation of the husband's child support obligation and in excluding the husband's reimbursement income; the trial court also erred in failing to make the findings required under *Fla. Stat. ch. 61.30(9)* as to its calculation of the husband's statutory share of child support. *Ondrejack v. Ondrejack, 839 So. 2d 867, 2003 Fla. App. LEXIS 3146, 28 Fla. L. Weekly D 696 (Fla. Dist. Ct. App. 4th Dist. 2003).*

175. Although the wife was unemployed, she might still be entitled to an award of child care costs pursuant to *Fla. Stat. ch. 61.30(7)* because day-care expenses can be properly added to a child support obligation if it is found to be necessary due to employment, job search, and education; where the wife had testified that she was planning to attend classes for rehabilitative purposes, the trial court had to make findings on that issue. *Layeni v. Layeni, 843 So. 2d 295, 2003 Fla. App. LEXIS 2421, 28 Fla. L. Weekly D 585 (Fla. Dist. Ct. App. 5th Dist. 2003).*

176. Because the marriage dissolution trial was not transcribed and the husband did not submit a statement of the evidence, the appellate court could only state that it could find no fundamental error on the face of the judgment regarding the findings of the trial court regarding the imputation of income to the husband. *Lafaille v. Lafaille, 837 So. 2d 601, 2003 Fla. App. LEXIS 1698, 28 Fla. L. Weekly D 494 (Fla. Dist. Ct. App. 1st Dist. 2003).*

177. Where the trial court failed to make specific findings of fact in awarding child support greater than five percent in excess of the guidelines, the award was error under *Fla. Stat. ch. 61.30(1)(a). Mcdaniel v. McDaniel, 835 So. 2d 1265, 2003 Fla. App. LEXIS 943, 28 Fla. L. Weekly D 379 (Fla. Dist. Ct. App. 1st Dist. 2003).*

178. Trial court erred in determining an ex-husband's child support obligation; the visitation schedule in the final judgment provided that the children would stay overnight with the ex-husband more than 50 percent of the time and, therefore, the ex-husband was entitled to a reduction of his child support pursuant to *Fla. Stat. ch. 61.30(11)(b) (2001). Santiago v. Santiago, 830 So. 2d 922, 2002 Fla. App. LEXIS 17155, 27 Fla. L. Weekly D 2507 (Fla. Dist. Ct. App. 4th Dist. 2002).*

179. Laches or fraud by the mother in a child paternity/support action did not provide a statutory or other basis for deviating from the child support guidelines, as the duty to pay child support is primarily to benefit the child; therefore, the trial court did not have the discretion to reduce the child support obligation, and the trial court's decision to do so was reversed. *Krufal v. Jorgensen, 830 So. 2d 228, 2002 Fla. App. LEXIS 16851, 27 Fla. L. Weekly D 2449 (Fla. Dist. Ct. App. 4th Dist. 2002).*

180. Laches or fraud by mother in a child support and paternity action was not a sufficient basis for deviating from child support guidelines, under *Fla. Stat. ch. 61.30,* as duty to pay child support was primarily to benefit the child. *Krufal v. Jorgensen, 830 So. 2d 228, 2002 Fla. App. LEXIS 16851, 27 Fla. L. Weekly D 2449 (Fla. Dist. Ct. App. 4th Dist. 2002).*

181. Final judgment of divorce was affirmed as to the divorce, but the case was remanded for further proceedings because the final judgment contained insufficient facts to permit appellate review of the parties' income and obligations pursuant to the final judgment. *Arizona v. Sumlar, 827 So. 2d 1079, 2002 Fla. App. LEXIS 14784, 27 Fla. L. Weekly D 2244 (Fla. Dist. Ct. App. 1st Dist. 2002).*

182. Supreme Court also amended the Fla. Fam. L.R.P. 12.902(e) child support guidelines worksheet to address additional expenses as well as requests for child support amounts that deviated from the child support guidelines to reflect amendments to *Fla. Stat. ch. 61.30(11).* Amendments, *833 So. 2d 682, 2002 Fla. LEXIS 1952, 27 Fla. L. Weekly S 822 (Fla. 2002).*

183. *Fla. Stat. ch. 61.30(11)(b)*10 is remedial legislation that can be retroactively applied since the amendment furthers the remedy or confirms the rights already established in ch. 61.30. *Jensen v. Jensen, 824 So. 2d 315, 2002 Fla. App. LEXIS 12362, 27 Fla. L. Weekly D 1923 (Fla. Dist. Ct. App. 1st Dist. 2002)*, review denied by *842 So. 2d 844, 2003 Fla. LEXIS 567 (Fla. 2003).*

184. Trial court abused its discretion in denying a request for private school expenses due to the special needs of the parties, child and the testimony of a psychologist about the benefit the child was receiving from being placed in a private school rather than a public school; furthermore, the trial court should have determined the issue based on the ability of the parents to pay for private school. *Forrest v. Ron, 821 So. 2d 1163, 2002 Fla. App. LEXIS 10044, 27 Fla. L. Weekly D 1613 (Fla. Dist. Ct. App. 3d Dist. 2002).*

185. Ex-husband's child support obligation was incorrectly determined; under *Fla. Stat. ch. 61.30(1)(a)*, a trial court was required to vary the guideline amount if a child was required to spend a substantial amount of time with the primary and secondary residential parents, and the ex-husband and ex-wife had rotating custody of the child. *Rainsberger v. Rainsberger, 819 So. 2d 275, 2002 Fla. App. LEXIS 9176, 27 Fla. L. Weekly D 1518 (Fla. Dist. Ct. App. 2d Dist. 2002).*

186. Where a father was ordered, pursuant to *Fla. Stat. ch. 61.13(1)(c)*, to provide life insurance to the extent necessary to protect an award of child support, but the trial court did not take sufficient evidence regarding the father's insurability or what the cost of life insurance would be, and did not make any finding as to the necessity for life insurance protection of the support obligation or as to the father's ability to pay for that protection based upon his personal circumstances, the order was in error; *Fla. Stat. ch. 61.30* did not require the father to support a child beyond his ability so to do. *Guerin v. Diroma, 819 So. 2d 968, 2002 Fla. App. LEXIS 8763, 27 Fla. L. Weekly D 1489 (Fla. Dist. Ct. App. 4th Dist. 2002).*

187. Where a mother conceded that under the custody arrangement as provided for in the settlement agreement, and adopted by the court in its final judgment of dissolution, the father would have custody of the children more than 40% of the overnights, the father was entitled to a "substantial reduction" in his guidelines child support obligation as provided for in *Fla. Stat. ch. 61.30(11)(b)*; the trial court's failure to calculate the father's support obligation using those necessary adjustments constituted an abuse of discretion. *Constantino v. Constantino, 823 So. 2d 155, 2002 Fla. App. LEXIS 8529, 27 Fla. L. Weekly D 1447 (Fla. Dist. Ct. App. 4th Dist. 2002).*

188. Amended version of *Fla. Stat. ch. 61.30*, was remedial legislation that was to be retroactively applied, even if the petition for dissolution was filed prior to its effective date. *Constantino v. Constantino, 823 So. 2d 155, 2002 Fla. App. LEXIS 8529, 27 Fla. L. Weekly D 1447 (Fla. Dist. Ct. App. 4th Dist. 2002).*

189. Although the trial court properly attributed income to the father for social security benefits pursuant to the marital agreement, the agreement improperly combined the child's supplemental security income benefits with the father's social security disability insurance benefits. *Loraine Clark Ford v. Robert Jerome Ford, 816 So. 2d 1193, 2002 Fla. App. LEXIS 6920, 27 Fla. L. Weekly D 1208 (Fla. Dist. Ct. App. 4th Dist. 2002).*

190. In paternity suits, the trial court should award retroactive child support to the date of the child's birth. *Rodgers v. Diederichsen, 820 So. 2d 362, 2002 Fla. App. LEXIS 6539, 27 Fla. L. Weekly D 1115 (Fla. Dist. Ct. App. 1st Dist. 2002).*

191. Child care costs should be reduced 25 percent before being added to the basic child support obligation. *Rodgers v. Diederichsen, 820 So. 2d 362, 2002 Fla. App. LEXIS 6539, 27 Fla. L. Weekly D 1115 (Fla. Dist. Ct. App. 1st Dist. 2002).*

192. Health insurance for the minor child should be included in the basic child support obligation unless it is ordered to be separately paid; *Fla. Stat. ch. 61.13(1)(b)*, directs the trial court to order one of the parties to provide health insurance for the child when the insurance is reasonably available. *Rodgers v. Diederichsen, 820 So. 2d 362, 2002 Fla. App. LEXIS 6539, 27 Fla. L. Weekly D 1115 (Fla. Dist. Ct. App. 1st Dist. 2002).*

193. Evidence was insufficient to show that the parents' gifts were related to the husband's employment with them and the trial court failed to compute the value of their "like-kind" contributions to the husband's income. *Cozier v. Cozier, 819 So. 2d 834, 2002 Fla. App. LEXIS 6145, 27 Fla. L. Weekly D 1064 (Fla. Dist. Ct. App. 2d Dist. 2002).*

194. Trial court did not err in imputing income to husband in a divorce action where competent, substantial evidence supported the trial court's finding that the husband had voluntarily limited his income. *Town v. Town, 801 So. 2d 324, 2001 Fla. App. LEXIS 17860, 27 Fla. L. Weekly D 22 (Fla. Dist. Ct. App. 1st Dist. 2001).*

195. Trial court was directed to determine amount of child support to be paid by a husband in a divorce action and to make written findings justifying any deviation from the child support guidelines as required by *Fla. Stat. ch. 61.30. Town v. Town, 801 So. 2d 324, 2001 Fla. App. LEXIS 17860, 27 Fla. L. Weekly D 22 (Fla. Dist. Ct. App. 1st Dist. 2001).*

196. Trial court erred in imputing income to husband based merely upon a hope that he could make that much; further, evidence of how much time husband spent with son could be presented in order to show he was primary custodian, as such would have affect on amount of child support ordered. *Undercuffler v. Undercuffler, 798 So. 2d 867, 2001 Fla. App. LEXIS 15670, 26 Fla. L. Weekly D 2644 (Fla. Dist. Ct. App. 4th Dist. 2001).*

197. Where the mother and father of a child had not lived together since the birth of their child, trial court abused its discretion by refusing to order retroactive child support award for the 24 months preceding the filing of the mother's paternity petition. *Gore v. Peck, 800 So. 2d 273, 2001 Fla. App. LEXIS 14488, 26 Fla. L. Weekly D 2481 (Fla. Dist. Ct. App. 2d Dist. 2001).*

198. Trial court erred in ordering the father to pay guideline child support, without the adjustment which is required by the statute in cases in which the child spends a substantial amount of time with each parent. *Sichewski v. Sichewski, 796 So. 2d 1233, 2001 Fla. App. LEXIS 14614, 26 Fla. L. Weekly D 2456 (Fla. Dist. Ct. App. 4th Dist. 2001).*

199. Although the trial court used the language "imputed net monthly income", this was not an imputed income case but, rather, the court intended that language to mean a finding that appellant's earnings, based on documentary evidence in the record, were greater than he had represented them to be. *Tomaszewski v. Tomaszewski, 793 So. 2d 1156, 2001 Fla. App. LEXIS 13170, 26 Fla. L. Weekly D 2213 (Fla. Dist. Ct. App. 4th Dist. 2001).*

200. Trial court erred in awarding the custodial parent the full amount of child support listed in the guidelines; court should have taken into account the fact that the child was spending a substantial amount of time with both parents and deviated from the child support guideline amount under the provisions in *Fla. Stat. ch. 61.30 (11)(b). Arze v. Sadough-Arze, 789 So. 2d 1141, 2001 Fla. App. LEXIS 8779, 26 Fla. L. Weekly D 1605 (Fla. Dist. Ct. App. 4th Dist. 2001).*

201. Father was entitled to credit against child support payments for Social Security benefits his child was receiving as a result of father's voluntary early retirement even though the case involved Social Security benefits paid as a result of retirement rather than a disability. *Sealander v. Sealander, 789 So. 2d 401, 2001 Fla. App. LEXIS 7505, 26 Fla. L. Weekly D 1401 (Fla. Dist. Ct. App. 4th Dist. 2001).*

202. Trial court erred when it imputed $1,500 to husband in income from payment made by father-in-law for son's private education, and awarded guideline child support under *Fla. Stat. ch. 61.30* based on the higher amount with no evidence of continued payments. *Vorcheimer v. Vorcheimer, 780 So. 2d 1018, 2001 Fla. App. LEXIS 4043, 26 Fla. L. Weekly D 866 (Fla. Dist. Ct. App. 4th Dist. 2001).*

203. Trial court did not abuse its discretion in the determination of child support obligation under *Fla. Stat. ch. 61.30* because as a trier of fact it was not obligated to accept the testimony of the former husband's expert witness regarding his income. *Pedroza v. Pedroza, 779 So. 2d 616, 2001 Fla. App. LEXIS 2336, 26 Fla. L. Weekly D 634 (Fla. Dist. Ct. App. 5th Dist. 2001).*

204. Prohibition of *Fla. Stat. ch. 61.30(11)(b),* from adjusting a child support award based upon the independent income of the child, not does not apply to social security benefits received by the child because of a parent's disability; those benefits should be factored into a child support calculation. *Wallace v. Ex Rel. Cutter, 774 So. 2d 804, 2000 Fla. App. LEXIS 16820, 26 Fla. L. Weekly D 34 (Fla. Dist. Ct. App. 2d Dist. 2000).*

205. Trial court could not, pursuant to *Fla. Stat. ch. 61.30(2)(b)*, impute income to a divorced husband and award child support payments retroactive to a date prior to the date of the filing of the divorced wife's pleading seeking such support without first finding that he was voluntarily unemployed or underemployed. *McDowell v. McDowell, 770 So. 2d 1289, 2000 Fla. App. LEXIS 15174, 25 Fla. L. Weekly D 2719 (Fla. Dist. Ct. App. 1st Dist. 2000).*

206. In dissolution action, where trial court ordered exclusive use of residence to former wife as a form of child support, the determination of the home's fair rental value became relevant; whatever the fair rental value of the property might be, the former wife's monthly living expenses were reduced by that sum because *Fla. Stat. ch. 61.30(2)(a)*13 mandates that this financial benefit be considered in the calculation of her gross income. *Bryan v. Bryan, 765 So. 2d 829, 2000 Fla. App. LEXIS 10323, 25 Fla. L. Weekly D 1929 (Fla. Dist. Ct. App. 1st Dist. 2000).*

207. Denial of retroactive child support to mother for the period between the parents' separation date and the commencement of the rotating custody arrangement between the parents was not an abuse of discretion under *Fla. Stat. ch. 61.30(7). Jacoby v. Jacoby, 763 So. 2d 410, 2000 Fla. App. LEXIS 6378, 25 Fla. L. Weekly D 1281 (Fla. Dist. Ct. App. 2d Dist. 2000).*

208. In a divorce action, the trial court did not abuse its discretion under *Fla. Stat. ch. 61.30(17)* by not awarding a wife child support retroactive to the date the parties last lived together, where the wife left the husband and moved in with her lesbian lover, where the children initially lived with the wife but were in the rotating custody of both parties for one year before the divorce trial, and where the trial court awarded custody to the husband, although that custody award had to be reconsidered. *Jacoby v. Jacoby, 763 So. 2d 410, 2000 Fla. App. LEXIS 6378, 25 Fla. L. Weekly D 1281 (Fla. Dist. Ct. App. 2d Dist. 2000).*

209. Trial court did not abuse its discretion in ordering father of minor child to bear the costs of transportation from California to Florida for purposes of visitation where father's income was approximately $70,000.00 per year and mother's income was approximately $29,000.00 per year and where trial court made a modest downward adjustment in the calculation of the father's child support obligation to account for some of his costs of visitation transportation. *Coons v. Coons, 2000 Fla. App. LEXIS 4721, 25 Fla. L. Weekly D 1051 (Fla. Dist. Ct. App. 1st Dist. Apr. 25 2000),* modified by *765 So. 2d 167, 2000 Fla. App. LEXIS 8449, 25 Fla. L. Weekly D 1051 (Fla. Dist. Ct. App. 1st Dist. 2000).*

210. Hearing officer's findings, ratified by the trial court, were insufficient to support a deviation from the presumptive amount of child support established by *Fla. Stat. ch. 61.30* in mother's child support obligation; although the trial court's findings that mother's net income was less than her expenses, and that mother suffered from epilepsy may have been sufficient grounds to support a deviation, the fact that mother had health and financial problems was not sufficient for the waiver because she was currently employed and the circumstances indicated that the children needed any assistance mother could have provided. *Florida Dep't of Revenue ex rel. Bloemendal v. Hodge, 754 So. 2d 845, 2000 Fla. App. LEXIS 4166, 25 Fla. L. Weekly D 868 (Fla. Dist. Ct. App. 2d Dist. 2000).*

211. Where the uncontradicted evidence established that the husband's per diem pay was insufficient to cover the expenses he incurred when he was away from home on business, it was error to include the per diem pay in calculating the husband's income under *Fla. Stat. ch. 61.30(2)(a)(13). Lauro v. Lauro, 757 So. 2d 523, 2000 Fla. App. LEXIS 3421, 25 Fla. L. Weekly D 717 (Fla. Dist. Ct. App. 4th Dist. 2000).*

212. Father was not entitled to a reduction of child support under *Fla. Stat. ch. 61.30(11)(g)* when one child was away at summer camp and the other was studying abroad, as the statute only applied when the child spend more than 28 consecutive days in the custody of the noncustodial parent. *Weintraub v. Weintraub, 766 So. 2d 1065, 2000 Fla. App. LEXIS 2754, 25 Fla. L. Weekly D 627 (Fla. Dist. Ct. App. 3d Dist. 2000).*

213. Provisions in a modification of a dissolution order requiring ex-husband to contribute to private school expenses for the parties' eldest child and awarding ex-wife money for the children's medical expenses reversed because the trial court failed to make sufficient findings to support the obligations. *Musser v. Watkins, 752 So. 2d 141, 2000 Fla. App. LEXIS 2575, 25 Fla. L. Weekly D 609 (Fla. Dist. Ct. App. 2d Dist. 2000).*

214. Order for non-custodial parent to pay a portion of child's private school tuition, which resulted in child support exceeding the guideline amount by more than five percent was contrary to *Fla. Stat. ch. 61.30(1)(a)*, where the court did

not make a written finding that the expense of private schooling was within the parents' ability to pay and in accordance with the customary standard of living of the parents. *Musser v. Watkins, 752 So. 2d 141, 2000 Fla. App. LEXIS 2575, 25 Fla. L. Weekly D 609 (Fla. Dist. Ct. App. 2d Dist. 2000).*

215. Where parents share custody of a child in a manner in which the child spends a substantial amount of time with both parents pursuant to *Fla. Stat. ch. 61.30(11)(b)*, support award should account for proration of time spent with the child as well as the parties' income. *Jones v. Johnson, 747 So. 2d 1066, 2000 Fla. App. LEXIS 214, 25 Fla. L. Weekly D 193 (Fla. Dist. Ct. App. 5th Dist. 2000).*

216. Trial court erred in calculating ex-wife's entitlement of child support from ex-husband under *Fla. Stat. ch. 61.30(7)*, where trial court did not clearly consider day care expenses in computing child support. *Mannix v. Mannix, 763 So. 2d 1135, 1999 Fla. App. LEXIS 17581, 25 Fla. L. Weekly D 71 (Fla. Dist. Ct. App. 4th Dist. 1999).*

217. Because the amendment to *Fla. Stat. ch. § 61.30(17)* was not remedial, but was substantive, it could not be applied retroactively to appellant's petition for review of a past child support obligation, therefore appellant's child support obligation was affirmed. *Mcmillian v. Department of Revenue Ex Rel. Searles, 746 So. 2d 1234, 1999 Fla. App. LEXIS 17301, 25 Fla. L. Weekly D 41 (Fla. Dist. Ct. App. 1st Dist. 1999).*

218. Trial court's child support judgment was reversed with directions for the trial court to consider whether the child support should be recalculated to include day care expenses because *Fla. Stat. ch. 61.30(7)* required that 75 percent of day care costs be added to the child support obligations where day care was necessary do to employment, job search, and education and because the court reviewing the award pursuant to an appeal that had been instituted by the wife was unable to determine whether the trial court considered dare care expenses when it computed the child support *Mannix v. Mannix, 763 So. 2d 1135, 1999 Fla. App. LEXIS 17581, 25 Fla. L. Weekly D 71 (Fla. Dist. Ct. App. 4th Dist. 1999).*

219. Trial court's monthly award for medical insurance of a minor child under *Fla. Stat. ch. 61.30(1)(b)* was upheld on appeal because the trial court did not abuse its discretion in awarding insurance costs at what it found to be a reasonable rate. *Mannix v. Mannix, 763 So. 2d 1135, 1999 Fla. App. LEXIS 17581, 25 Fla. L. Weekly D 71 (Fla. Dist. Ct. App. 4th Dist. 1999).*

220. Trial court's judgment with respect to child support in a dissolution of marriage proceeding was reversed and remanded, where the child support award deviated more than five percent from the statutory guidelines without making specific written factual findings justifying such an award as required under *Fla. Stat. ch. 61.30(11). Swanston v. Swanston, 746 So. 2d 566, 1999 Fla. App. LEXIS 16875, 25 Fla. L. Weekly D 31 (Fla. Dist. Ct. App. 1st Dist. 1999).*

221. Wife should have been awarded child support from the date husband left, not from the date she filed a Uniform Reciprocal Enforcement of Support Act petition; language of *Fla. Stat. ch. 61.30(17)* reflects public welfare intent that children must be supported whether their parents are married or not. *Bellville v. Bellville, 763 So. 2d 1076, 1999 Fla. App. LEXIS 13482, 24 Fla. L. Weekly D 2339 (Fla. Dist. Ct. App. 4th Dist. 1999).*

222. *Fla. Stat. ch. 61.30(2)(b)*, which provided for the imputation of income in a dissolution, properly allowed for the calculation of this imputed income on the basis of husband's employment potential after he voluntarily closed his offices after the divorce and became underemployed; the imputed income, for purposes of calculating child support obligations, neglected to take into account the mandatory deductions required under ch. 61.30, such as support obligations from a prior marriage, federal income tax withholding, and self-employment taxes (FICA). *Knight v. Knight, 746 So. 2d 1117, 1999 Fla. App. LEXIS 13216, 24 Fla. L. Weekly D 2306 (Fla. Dist. Ct. App. 4th Dist. 1999).*

223. In a divorce action involving a bankrupt former husband, the trial court properly imputed a gross income in the amount of $ 250,000 to the husband under *Fla. Stat. ch. 61.30(2)(b)* because it was the husband's voluntary abandonment of his medical practice due to the divorce, rather than other factors, that caused his medical practice to fail. *Knight v. Knight, 746 So. 2d 1117, 1999 Fla. App. LEXIS 13216, 24 Fla. L. Weekly D 2306 (Fla. Dist. Ct. App. 4th Dist. 1999).*

224. Reversed and remanded for trial court to prepare a new child support worksheet was to be prepared, and if the court chose to impute income to the wife it was to use the imputed amount in the computation of the husband's child

support obligation; if the amount deviated by more than five percent from the guideline amount, the court must state written reasons for such deviation as required by *Fla. Stat. ch. 61.30(1)(a) (1997). Kranz v. Kranz, 737 So. 2d 1198, 1999 Fla. App. LEXIS 9897, 24 Fla. L. Weekly D 1737 (Fla. Dist. Ct. App. 5th Dist. 1999).*

225. Child support paid by the husband should not have been included in the wife's income for the purpose of determining alimony because *Fla. Stat. ch. 61.30(2),*(3) provided that in computing net income, alimony received was counted as income to the payee spouse and alimony paid was deducted from the payor spouse's income; alimony should have been computed before child support, not vice versa. *Kranz v. Kranz, 737 So. 2d 1198, 1999 Fla. App. LEXIS 9897, 24 Fla. L. Weekly D 1737 (Fla. Dist. Ct. App. 5th Dist. 1999).*

226. Pursuant to *Fla. Stat. ch. 61.30(2)(a)*9 and (3)(g), the trial court must include in a party's income any alimony received and then subtract alimony paid, thus, alimony must be determined before child support can be calculated under the guidelines. *Kranz v. Kranz, 737 So. 2d 1198, 1999 Fla. App. LEXIS 9897, 24 Fla. L. Weekly D 1737 (Fla. Dist. Ct. App. 5th Dist. 1999).*

227. Disabled ex-husband was not entitled to receive a dollar for dollar credit against his child support obligation for social security benefits paid to child as a result of ex-husband's disability. *Gomez v. Gomez, 736 So. 2d 119, 1999 Fla. App. LEXIS 8338, 24 Fla. L. Weekly D 1475 (Fla. Dist. Ct. App. 4th Dist. 1999),* questioned by *Ford v. Ford, 816 So. 2d 1193, 2002 Fla. App. LEXIS 6920, 27 Fla. L. Weekly D 1208 (Fla. Dist. Ct. App. 4th Dist. 2002),* overruled by *Sealander v. Sealander, 789 So. 2d 401, 2001 Fla. App. LEXIS 7505, 26 Fla. L. Weekly D 1401 (Fla. Dist. Ct. App. 4th Dist. 2001).*

228. Husband's obligation to pay one-half of the home place expenses did not have to be considered part of his child support obligation and did not have to be added to the wife's gross income for purposes of computing child support under *Fla. Stat. ch. 61.30(2)(a)*13; that section includes payments reimbursed by another, not payments made by the out-of-possession spouse as part of his obligation to maintain jointly-held property. *Hanley v. Hanley, 734 So. 2d 529, 1999 Fla. App. LEXIS 6816, 24 Fla. L. Weekly D 1257 (Fla. Dist. Ct. App. 4th Dist. 1999),* review dismissed by *743 So. 2d 12, 1999 Fla. LEXIS 1597 (Fla. 1999).*

229. As justification for a child support payment of one-half the child's private school tuition, the trial court satisfied the requirements of *Fla. Stat. ch. 61.30(1)(a),* by explaining that the child's special educational needs required continuation past his 18th birthday. *Hanley v. Hanley, 734 So. 2d 529, 1999 Fla. App. LEXIS 6816, 24 Fla. L. Weekly D 1257 (Fla. Dist. Ct. App. 4th Dist. 1999).*

230. Trial court did not deviate from a child support guideline amount where the support award reflected the provision of health insurance as required by *Fla. Stat. ch. 61.30(3)(e). Hanley v. Hanley, 734 So. 2d 529, 1999 Fla. App. LEXIS 6816, 24 Fla. L. Weekly D 1257 (Fla. Dist. Ct. App. 4th Dist. 1999).*

231. Child support a father was ordered to pay was too high, where pursuant to *Fla. Stat. ch. 61.30(2)(a)*9, alimony should have been computed as income to wife in the child support computation; additionally, pursuant to *Fla. Stat. ch. 61.30(3)(g),* that amount should have been deducted from the father's gross income in determining the child support amount. *Calderon v. Calderon, 730 So. 2d 400, 1999 Fla. App. LEXIS 4569, 24 Fla. L. Weekly D 906 (Fla. Dist. Ct. App. 5th Dist. 1999).*

232. Wife's voluntary relocation to another state did not constitute basis for downward reduction in child support; under *Fla. Stat. ch. 61.30(1)(a)* the trial court could deviate from the guidelines after it considered all relevant factors and made the necessary specific finding on the record explaining why the guideline amount would be inappropriate. *Wilcox v. Wilcox, 729 So. 2d 506, 1999 Fla. App. LEXIS 4341, 24 Fla. L. Weekly D 930 (Fla. Dist. Ct. App. 2d Dist. 1999).*

233. In a marriage dissolution action, the court's equitable distribution of marital property and award of child support were reversed because the final judgment order was not supported by any specific factual findings, as required by *Fla. Stat. ch. 61.075(3);* furthermore, the court had deviated from the child support guidelines but did not state the specific findings on the record explaining why a guideline amount would have been inappropriate, as required by *Fla. Stat. ch. 61.30(1)(a). Wilcox v. Wilcox, 729 So. 2d 506, 1999 Fla. App. LEXIS 4341, 24 Fla. L. Weekly D 930 (Fla. Dist. Ct. App. 2d Dist. 1999).*

234. Award of child support that appeared to have been substantially more than the presumptive child support guidelines was remanded so that the trial court could include its findings related to its deviation from the presumptive child support guideline amounts as mandated by *Fla. Stat. ch. 61.30(1)(a). Mead v. Mead, 726 So. 2d 865, 1999 Fla. App. LEXIS 2443, 24 Fla. L. Weekly D 622 (Fla. Dist. Ct. App. 1st Dist. 1999).*

235. Custodial parent's on-going financial obligations for the support of her children limited reduction in the amount of child support due to her while her children resided with non-custodial parent during the summer months to no more than 50 percent of the guideline amount established by *Fla. Stat. ch. 61.30(11). Gomez v. Gomez, 727 So. 2d 1092, 1999 Fla. App. LEXIS 2399, 24 Fla. L. Weekly D 630 (Fla. Dist. Ct. App. 1st Dist. 1999).*

236. Trial court erred by requiring a mother, the primary residential parent, to pay child support to the father, the noncustodial parent, when the children were living with the father during the summer because the trial court did not explain why it deviated from the guidelines that limited reductions in the father's support obligation, as required by *Fla. Stat. ch. 61.30(1)(a),* (11)(g). *Gomez v. Gomez, 727 So. 2d 1092, 1999 Fla. App. LEXIS 2399, 24 Fla. L. Weekly D 630 (Fla. Dist. Ct. App. 1st Dist. 1999).*

237. Father's low earnings not a valid reason for departure from child support guidelines under *Fla. Stat. ch. 61.30(1)(a)* without additional written findings, because income was taken into account in forming the guidelines. *McGhee v. Childress, 724 So. 2d 196, 1999 Fla. App. LEXIS 614, 24 Fla. L. Weekly D 311 (Fla. Dist. Ct. App. 1st Dist. 1999).*

238. Awards of alimony and child support were reversed for further findings concerning the amount of income attributable to each party and for recalculation of the child support where the court failed to state an exact amount of gross income it was imputing to the wife, and did not take that amount into consideration, although it properly included the husband's bonuses, which were regular and continuous, in the calculation of his income; without pinpointing the amount of income capable of being earned by each party and determining the presumptive amount of child support from the tables, a reviewing court could not determine whether the amount awarded varied more than five percent from the guidelines amount, which would require the trial court to provide written reasons for a deviation. *Shrove v. Shrove, 724 So. 2d 679, 1999 Fla. App. LEXIS 356, 24 Fla. L. Weekly D 237 (Fla. Dist. Ct. App. 4th Dist. 1999).*

239. Where parents lived together after child's birth, and father helped care for the child while mother worked and attended school, award of support retroactive to child's birth under *Fla. Stat. ch. 61.30(17)* was improper. *Kochinsky v. Moore, 729 So. 2d 407, 1999 Fla. App. LEXIS 177, 24 Fla. L. Weekly D 188 (Fla. Dist. Ct. App. 4th Dist. 1999).*

240. Trial court abused its discretion in not allowing the former husband 's out-of-wedlock children to be additional beneficiaries of the trust fund established by the court from former husband's share of the marital assets due to former husband's imminent deportation; the rights of former husband's out-of-wedlock children were on an equal basis with the children of the marriage, and the provisions of *Fla. Stat. ch. 61.30(1)(a)* were broad enough to allow the trial court to deviate from the support guidelines, particularly in light of the substantial likelihood that the former husband would not be present in the country to provide support for any of his children. *Cole v. Cole, 723 So. 2d 925, 1999 Fla. App. LEXIS 183, 24 Fla. L. Weekly D 176 (Fla. Dist. Ct. App. 3d Dist. 1999).*

241. Standard of review for a trial court's imputation of income under the requirements of *Fla. Stat. ch. 61.30(2)(b)* in child support proceedings is whether competent substantial evidence supports it. *Hinton v. Smith, 725 So. 2d 1154, 1998 Fla. App. LEXIS 14349, 23 Fla. L. Weekly D 2505 (Fla. Dist. Ct. App. 2d Dist. 1998).*

242. *Fla. Stat. ch. 61.30(2)(b)* directs a trial court in child support proceedings to consider a spouse's "occupational qualifications," not potential occupational qualifications; a spouse's attainment of a degree alone does not guarantee employment or a particular salary and thus does not constitute sufficient evidence to support imputation, nor is expert testimony establishing the prevailing earnings level for holders of a particular degree sufficient to impute that amount of income. *Hinton v. Smith, 725 So. 2d 1154, 1998 Fla. App. LEXIS 14349, 23 Fla. L. Weekly D 2505 (Fla. Dist. Ct. App. 2d Dist. 1998).*

243. In child support proceedings, a former spouse's income may not be imputed at a level which the spouse has never earned, absent special circumstances. *Hinton v. Smith, 725 So. 2d 1154, 1998 Fla. App. LEXIS 14349, 23 Fla. L. Weekly D 2505 (Fla. Dist. Ct. App. 2d Dist. 1998).*

244. In the imputation of a spouse's income in child support proceedings, gross income includes reimbursed expenses or in kind payment to the extent that they reduce living expenses, which covers items such as food, housing, and vehicles furnished to the employer who is paying the spouse's wages *Hinton v. Smith, 725 So. 2d 1154, 1998 Fla. App. LEXIS 14349, 23 Fla. L. Weekly D 2505 (Fla. Dist. Ct. App. 2d Dist. 1998).*

245. Trial court abused its discretion, under *Fla. Stat. ch. 61.30(17)*, when it failed to order biological father to pay retroactive child support to the date of the child's birth when the biological parents had never lived together with the child. *Johns v. Richards, 717 So. 2d 1103, 1998 Fla. App. LEXIS 11964, 23 Fla. L. Weekly D 2183 (Fla. Dist. Ct. App. 4th Dist. 1998).*

246. In determining "underemployed" for the purposes of *Fla. Stat. ch. 61.30(2)(b)* a trial court could only impute a level of income supported by the evidence concerning the employment potential and probable earnings level of an parent based upon recent work history, occupational qualifications, and prevailing earnings level in the community. *Connell v. Connell, 718 So. 2d 842, 1998 Fla. App. LEXIS 10367, 23 Fla. L. Weekly D 1906 (Fla. Dist. Ct. App. 2d Dist. 1998).*

247. Under *Fla. Stat. ch. 61.30(11)(f)* the court must consider those additional expenses involved in meeting the needs of a handicapped child, to accommodate special needs 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. *Cifrian v. Cifrian, 715 So. 2d 1068, 1998 Fla. App. LEXIS 9761, 23 Fla. L. Weekly D 1825 (Fla. Dist. Ct. App. 4th Dist. 1998).*

248. Trial court erred in awarding child support within the guidelines and not deviating from it pursuant to *Fla. Stat. ch. 61.30*, because the record indicated a history of extraordinary expenses linked to care for the parties' handicapped daughter. *Cifrian v. Cifrian, 715 So. 2d 1068, 1998 Fla. App. LEXIS 9761, 23 Fla. L. Weekly D 1825 (Fla. Dist. Ct. App. 4th Dist. 1998).*

249. Trial court's failure to clearly state the basis of the former husband's income, which was essential to an award of child support, warranted a reversal of the award because the award did not comply with the guidelines and reasonableness test of *Fla. Stat. ch. 61.30(1)(a). Cifrian v. Cifrian, 715 So. 2d 1068, 1998 Fla. App. LEXIS 9761, 23 Fla. L. Weekly D 1825 (Fla. Dist. Ct. App. 4th Dist. 1998).*

250. In a divorce case, the trial court erred by not determining the wife's alimony prior to determining the amount of child support pursuant to the requirements of *Fla. Stat. ch. 61.30(2)(a)*9. *Cornett v. Cornett, 713 So. 2d 1083, 1998 Fla. App. LEXIS 8518, 23 Fla. L. Weekly 1681, 23 Fla. L. Weekly D 1681 (Fla. Dist. Ct. App. 2d Dist. 1998).*

251. Extraordinary nature of children's mental health needs and family history were sufficient to support an award of child support payments that exceeded the amount recommended by the guidelines by more than five percent. *Pollow v. Pollow, 712 So. 2d 1235, 1998 Fla. App. LEXIS 7965, 23 Fla. L. Weekly D 1597 (Fla. Dist. Ct. App. 4th Dist. 1998).*

252. Remand for recalculation was proper where deductions were not taken from gross income, for the amount of federal insurance contributions and health insurance premiums paid, excluding payments for coverage of the minor child, for the purpose of calculating former husband's child support obligation. *Gherardi v. Gherardi, 712 So. 2d 1236, 1998 Fla. App. LEXIS 7994, 23 Fla. L. Weekly D 1584 (Fla. Dist. Ct. App. 4th Dist. 1998).*

253. Father was found to be willfully underemployed under *Fla. Stat. ch. 61.30(2)(b)* where there was substantial competent evidence to support the trial court's decision to impute a net monthly income which correlated with the minimum gross income that the father's expert stated the father could make in an entry-level banking job. *Burkhardt v. Bass, 711 So. 2d 158, 1998 Fla. App. LEXIS 5311, 23 Fla. L. Weekly D 1175 (Fla. Dist. Ct. App. 4th Dist. 1998).*

254. Reversal of an award of child support was required, where the trial court imputed income to the husband based upon the fact that he quit his part-time second job in order to pay the additional expenses associated with living

separately, but failed to make the appropriate findings as required by *Fla. Stat. ch. 61.30*. *Vanbrussel v. Vanbrussel, 710 So. 2d 170, 1998 Fla. App. LEXIS 4277, 23 Fla. L. Weekly D 1046 (Fla. Dist. Ct. App. 1st Dist. 1998).*

255. Award of child support payments to be made by father did not require specific fact finding as required under *Fla. Stat. ch. 61.30(2)(b)*, which related to imputing income, where the trial court did not find that the father was unemployed or underemployed, but rather, the award was based upon a factual determination that his earnings were greater than he represented them to be, which came under *Fla. Stat. ch. 61.30(2)(a)*. *Bromson v. Department of Revenue, 710 So. 2d 154, 1998 Fla. App. LEXIS 4316, 23 Fla. L. Weekly D 1011 (Fla. Dist. Ct. App. 4th Dist. 1998).*

256. Because *Fla. Stat. ch. 61.30(1)(1)* requires that the trial court give written reasons for deviating from child support guidelines, trial court had to clarify on remand what it intended with respect to husband's monthly mortage payment of $650. *Fullerton v. Fullerton, 709 So. 2d 162, 1998 Fla. App. LEXIS 2938, 23 Fla. L. Weekly D 837 (Fla. Dist. Ct. App. 5th Dist. 1998).*

257. Trial court erred in calculating child support payable by ex-husband where it deducted gas mileage from the child support guideline amount, where it made no findings nor provided any other explanation for this departure from the guidelines under *Fla. Stat. ch. 61.30(11)(a)-(k)*. *Holmes v. Holmes, 709 So. 2d 166, 1998 Fla. App. LEXIS 2945, 23 Fla. L. Weekly D 825 (Fla. Dist. Ct. App. 5th Dist. 1998).*

258. Where the trial court failed to consider the husband's employment signing bonus when calculating his gross income for the purpose of determining the minimum child support pursuant to *Fla. Stat. ch. 61.30(2)(a)*, the court remanded the case to clarify the net income of the parents, holding that the father's employment signing bonus should have been considered in calculating his gross income. *Colston v. Green, 742 So. 2d 280, 1998 Fla. App. LEXIS 2860, 23 Fla. L. Weekly D 793 (Fla. Dist. Ct. App. 1st Dist. 1998).*

259. Trial court erred when it imputed income to the father in a child support determination without having first concluded, under *Fla. Stat. ch. 61.30(2)(b)*, that the employment termination was voluntary and further, without having determined whether the subsequent unemployment or underemployment resulted from the father's pursuit of his own interests or through less than diligent and bona fide efforts to find employment paying income at a level equal to or better than that formerly received. *Clayton v. Lloyd, 707 So. 2d 407, 1998 Fla. App. LEXIS 2636, 23 Fla. L. Weekly D 733 (Fla. Dist. Ct. App. 4th Dist. 1998).*

260. Trial court erred in ordering a father to pay an amount in child support that deviated from the child support guidelines because prior to the trial court having ordered child support to be paid from nonrecurring income or assets, under *Fla. Stat. ch. 61.30(13)*, it was required to make a written finding as to whether or not the child's needs were being met by the child support amount which was based solely on the parties' recurring income. *Clayton v. Lloyd, 707 So. 2d 407, 1998 Fla. App. LEXIS 2636, 23 Fla. L. Weekly D 733 (Fla. Dist. Ct. App. 4th Dist. 1998).*

261. Child support guidelines presumptively established the amount of support in an initial proceeding under *Fla. Stat. ch. 61.30(1)(a)*, and where the trial court did not first make a finding that the child's needs were not being met based on the parties' recurring income, it was an abuse of discretion to order child support to be paid from principal funds in a trust, which was a nonrecurring income or asset under *Fla. Stat. ch. 61.30(13)*. *Sotoloff v. Sotoloff, 745 So. 2d 959, 1998 Fla. App. LEXIS 2642, 23 Fla. L. Weekly D 729 (Fla. Dist. Ct. App. 4th Dist. 1998).*

262. Absent some special circumstance, the presence of a subsequent child will not justify a deviation from support guidelines; however, *Fla. Stat. ch. 61.30(12)* does not prohibit consideration of subsequent children. *Gebauer v. State, 706 So. 2d 407, 1998 Fla. App. LEXIS 2149, 23 Fla. L. Weekly D 629 (Fla. Dist. Ct. App. 4th Dist. 1998).*

263. Appellate court could not review propriety of modification order lowering the amount of child support to an amount below the guidelines without specific findings in the modification order regarding the children and the parents, including the children's needs, ages, stations in life, standard of living, and the financial status and ability of each parent to pay. *Department of Revenue by Strockbine v. Strockbine, 705 So. 2d 137, 1998 Fla. App. LEXIS 1010, 23 Fla. L. Weekly D 433 (Fla. Dist. Ct. App. 1st Dist. 1998).*

264. Trial court did not abuse its discretion in awarding child support in an amount less than the amount dictated by the guidelines in *Fla. Stat. ch. 61.30(6)* where the variance was supported by the trial court's finding that the guideline amount would be unjust and inappropriate due to the child's actual needs and the financial circumstances of each parent. *Finley v. Scott, 707 So. 2d 1112, 1998 Fla. LEXIS 83, 23 Fla. L. Weekly S 51 (Fla. 1998).*

265. Schedule for determining the amount of child support, presumed to be the amount a trial judge awards under *Fla. Stat. ch. 61.30*, is clearly rebuttable and the trial court is to consider *Fla. Stat. ch. 61.30(11)(k)*, which allows for an equitable adjustment of the minimum child support obligation based upon the facts and circumstances of a particular case; trial court's award of child support that was for an amount in excess of the child's actual needs was approved since the statutory mandates, needs of the child, and financial circumstances of each parent were considered. *Finley v. Scott, 707 So. 2d 1112, 1998 Fla. LEXIS 83, 23 Fla. L. Weekly S 51 (Fla. 1998).*

266. *Fla. Stat. ch. 61.30(3)(f)* provides for a deduction from gross income for court-ordered support actually paid for children other than those shared by the parties to the subject dissolution. *Knight v. Knight, 702 So. 2d 242, 1997 Fla. App. LEXIS 13123, 22 Fla. L. Weekly D 2630 (Fla. Dist. Ct. App. 4th Dist. 1997).*

267. *Fla. Stat. ch. 61.30(3)(f)*, regarding calculation of income for child support purposes, provides for a deduction from gross income for court-ordered support for other children which is actually paid; this income deduction relates to child support actually paid for children, other than those shared by the parties to the subject dissolution, and is intended to permit only those items listed in the statute as deductions from gross income. *Knight v. Knight, 702 So. 2d 242, 1997 Fla. App. LEXIS 13123, 22 Fla. L. Weekly D 2630 (Fla. Dist. Ct. App. 4th Dist. 1997).*

268. *Fla. Stat. ch. 61.30(12)*, which prescribes a preference for a child under the protection of an existing child support order over any later born children of the support paying parent, is not unconstitutional because it further's a legitimate state interest by assuring that noncustodial parents will continue to contribute to the support of their children from their first marriage notwithstanding their obligation to support children born during a subsequent marriage. *Pohlmann v. Pohlmann, 703 So. 2d 1121, 1997 Fla. App. LEXIS 12761, 22 Fla. L. Weekly D 2592 (Fla. Dist. Ct. App. 5th Dist. 1997).*

269. Calculation of child support obligations should not have included the deduction of the social security benefits that the parents received on behalf of the disabled son; while *Fla. Stat. ch. 61.30(2)(a)(8)* provides that the husband's and wife's gross income include social security benefits that the husband and wife personally receive, ch. 61.30(2)(a)(8) does not provide for the inclusion of the son's benefits in the calculation. *Schwartz v. Schwartz, 720 So. 2d 531, 1997 Fla. App. LEXIS 10715, 22 Fla. L. Weekly D 2247 (Fla. Dist. Ct. App. 3d Dist. 1997).*

270. Where husband, who made extra income while working off-duty, was ordered to make child support payments in an amount where it was not clear if the off-duty income was included; the amount deviated from the statutory guidelines by greater than five percent and the court did not make a written finding explaining why the guideline amount would be unjust or inappropriate as required by *Fla. Stat. ch. 61.30(1)(a). Burton v. Burton, 697 So. 2d 1295, 1997 Fla. App. LEXIS 9475, 22 Fla. L. Weekly D 2005 (Fla. Dist. Ct. App. 1st Dist. 1997).*

271. Divorce judgment that included, without explanation, income attributable to the husband's girlfriend with whom he lived at the time of the final hearing was reversed and remanded where nothing in the record demonstrated that the girlfriend made any contributions to reduce the husband's expenses such that his income should have been increased for the purpose of computing his child support obligation pursuant to *Fla. Stat. ch. 61.30(2)(a)*13. *Singleton v. Singleton, 696 So. 2d 1338, 1997 Fla. App. LEXIS 8401, 22 Fla. L. Weekly D 1782 (Fla. Dist. Ct. App. 4th Dist. 1997).*

272. Pursuant to *Fla. Stat. ch. 61.30(1)(a)*, trial court is required to make written findings on the subject of child support in custody proceedings, even when rotating custody is awarded pursuant to *Fla. Stat. ch. 61.30*(11(g). *O'Brien v. Crumley, 695 So. 2d 881, 1997 Fla. App. LEXIS 6955, 22 Fla. L. Weekly D 1486 (Fla. Dist. Ct. App. 5th Dist. 1997).*

273. Under *Fla. Stat. ch. 61.30(1)(a)*, trial court is required to make written findings on the subject of child support in custody proceedings, even when rotating custody is awarded pursuant to *Fla. Stat. ch. 61.30*(11(g). *O'Brien v. Crumley, 695 So. 2d 881, 1997 Fla. App. LEXIS 6955, 22 Fla. L. Weekly D 1486 (Fla. Dist. Ct. App. 5th Dist. 1997).*

274. *Fla. Stat. ch. 61.30(1)(a)* required a written finding on child support, and rotating custody was contemplated in the child support guidelines in *Fla. Stat. ch. 61.30(11)(g)*; a rotating custody arrangement was proper where a minor child had adjusted well to the arrangement, and the father was entitled to the final decision-making authority where the mother had been unwilling to communicate with the father in the past. *O'brien v. Crumley, 695 So. 2d 881, 1997 Fla. App. LEXIS 6955, 22 Fla. L. Weekly D 1486 (Fla. Dist. Ct. App. 5th Dist. 1997).*

275. Remand was necessary in child support proceeding when trial court did not determine whether child's needs were being met, because if they were not, an award from the parent's non-recurring assets could be awarded under *Fla. Stat. ch. 61.30(13)(1995). Eiler v. Eiler, 695 So. 2d 870, 1997 Fla. App. LEXIS 6703, 22 Fla. L. Weekly D 1476 (Fla. Dist. Ct. App. 4th Dist. 1997).*

276. Although the children's participation in 4-H activities qualified as a special need under *Fla. Stat. ch. 61.30(11)(f),* the trial court's failure to make specific findings to exceed the child support guidelines by more than five percent in setting the husband's support payment, particularly where the parties had lived beyond their means, *Fla. Stat. ch. 61.30(1)(a)* required remand of this order. *Stock v. Stock, 693 So. 2d 1080, 1997 Fla. App. LEXIS 5387, 22 Fla. L. Weekly D 1256 (Fla. Dist. Ct. App. 2d Dist. 1997).*

277. Order requiring non-custodial parent to pay a share of after-school child care expenses incurred by the custodial parent was proper even though custodial parent had remarried and new spouse did not work. *Milopoulos v. Milopoulos, 691 So. 2d 1199, 1997 Fla. App. LEXIS 4195, 22 Fla. L. Weekly D 1026 (Fla. Dist. Ct. App. 4th Dist. 1997).*

278. Trial court did not err under *Fla. Stat. ch. 61.30(7)* in ordering a former wife to pay her share of after-school child care expenses incurred by her former husband even though the husband had remarried to a wife was unable to take care of the children until he came home from work because the child care costs were necessitated by the husband's maintenance of his employment. *Milopoulos v. Milopoulos, 691 So. 2d 1199, 1997 Fla. App. LEXIS 4195, 22 Fla. L. Weekly D 1026 (Fla. Dist. Ct. App. 4th Dist. 1997).*

279. Provision in a final judgment dissolving a marriage requiring the husband to pay one-half of all noncovered elective and nonelective medical expenses for the children was improper under *Fla. Stat. ch. 61.30*; it could compel a noncustodial parent to pay for elective medical care while depriving him from having input on medical care, and was without regard to his ability to pay. *Schellhammer v. Schellhammer, 687 So. 2d 987, 1997 Fla. App. LEXIS 1376, 22 Fla. L. Weekly D 478 (Fla. Dist. Ct. App. 5th Dist. 1997).*

280. *Fla. Stat. ch. 61.30 (12)* is only applicable in cases where there is an existing legal obligation of support, and then only in a proceeding for an upward modification of that obligation. *Department of Revenue Ex Rel. Powell v. Feeney, 689 So. 2d 350, 1997 Fla. App. LEXIS 1039, 22 Fla. L. Weekly D 453 (Fla. Dist. Ct. App. 2d Dist. 1997).*

281. In a case involving an initial determination of child support as part of a paternity action, a parent's support of a subsequent child was not a valid basis for a downward departure that was more than a five percent deviation from the support guidelines; *Fla. Stat. ch. 61.30(12)* was only applicable in cases where there was an existing legal obligation of support, and then only in a proceeding for an upward modification of that obligation. *Department of Revenue Ex Rel. Powell v. Feeney, 689 So. 2d 350, 1997 Fla. App. LEXIS 1039, 22 Fla. L. Weekly D 453 (Fla. Dist. Ct. App. 2d Dist. 1997).*

282. *Fla. Stat. ch. 61.30* requires the court to start with the parties' gross income and subtract tax deductions and health insurance payments in calculating child support. *Somma v. Vesely, 687 So. 2d 936, 1997 Fla. App. LEXIS 982, 22 Fla. L. Weekly D 391 (Fla. Dist. Ct. App. 4th Dist. 1997).*

283. In a husband's action for a reduction of child support payments, the trial court erroneously reduced the child support award downward where pursuant to *Fla. Stat. ch. 61.30(12)*, subsequent children may not have been considered in a downward departure case. *Miller-Bent v. Miller-Bent, 680 So. 2d 1119, 1996 Fla. App. LEXIS 11441, 21 Fla. L. Weekly D 2252 (Fla. Dist. Ct. App. 1st Dist. 1996).*

284. Child support guidelines do not speak to circumstances in which three children are split between their parents, who have nearly comparable incomes; therefore, it was impossible to contend that there had been an unwarranted deviation

from the guidelines under *Fla. Stat. ch. 61.30*, and trial judge could not be accused of deviating from a standard that by its own terms does not purport to apply to the facts. *Simpson v. Simpson, 680 So. 2d 1085, 1996 Fla. App. LEXIS 10400, 21 Fla. L. Weekly D 2161 (Fla. Dist. Ct. App. 4th Dist. 1996).*

285. For calculations of spousal support and child support, *Fla. Stat. ch. 61.30(2)(a)*13 requires inclusion of in-kind contributions in the calculation of gross income, not net income. *Jones v. Jones, 679 So. 2d 1270, 1996 Fla. App. LEXIS 9767, 21 Fla. L. Weekly D 2082 (Fla. Dist. Ct. App. 2d Dist. 1996).*

286. *Fla. Stat. ch. 61.30(1)* required the trial court to give written reasons justifying its decisions to deviate downwards from the child support guidelines by more than 5% and to relieve the payor parent of the duty to pay a depository fee pursuant to *Fla. Stat. ch. 61.046. Department of Revenue Child Support v. Moore, 677 So. 2d 979, 1996 Fla. App. LEXIS 8296, 21 Fla. L. Weekly D 1800 (Fla. Dist. Ct. App. 5th Dist. 1996).*

287. *Fla. Stat. ch. 61.30* allowed the imputation of income for calculation of child support when husband was voluntarily underpaid based upon a showing that he had the capability to earn more; however, the trial court abused its discretion when it included a loan as both a marital liability and a source of income in determining husband's child support obligations. *Crowley v. Crowley, 678 So. 2d 435, 1996 Fla. App. LEXIS 8264, 21 Fla. L. Weekly D 1784 (Fla. Dist. Ct. App. 4th Dist. 1996).*

288. Child support order resulted in excessive monthly payments to former wife where the trial court's financial calculations violated *Fla. Stat. ch. 61.30(f)*; the actual amount of court-ordered support paid by former husband for the support of other children from a prior marriage should have been deducted from his gross income. *Sierra v. Ellison, 677 So. 2d 406, 1996 Fla. App. LEXIS 7982, 21 Fla. L. Weekly D 1712 (Fla. Dist. Ct. App. 3d Dist. 1996).*

289. Under *Fla. Stat. ch. 61.30*(2((a)(2), overtime pay, off-duty pay, and a take-home vehicle could be included in the calculation of gross income for the determination of child support in a dissolution of marriage action. *Sierra v. Ellison, 677 So. 2d 406, 1996 Fla. App. LEXIS 7982, 21 Fla. L. Weekly D 1712 (Fla. Dist. Ct. App. 3d Dist. 1996).*

290. Trial court erred in imputing income to husband for purposes of child support where the only finding made by the trial court was that husband had underreported his gross sales on his state return. *Bimonte v. Martin-Bimonte, 679 So. 2d 18, 1996 Fla. App. LEXIS 7997, 21 Fla. L. Weekly D 1727 (Fla. Dist. Ct. App. 4th Dist. 1996).*

291. In calculating former husband's child support obligation under *Fla. Stat. ch. 61.30*, trial court did not err in excluding from former wife's gross income certain social security benefits received on behalf of the parties' eldest child because the social payments were for the benefit of the child, not for the benefit of the child's parents. *Hall v. Hall, 677 So. 2d 91, 1996 Fla. App. LEXIS 7832, 21 Fla. L. Weekly D 1686 (Fla. Dist. Ct. App. 1st Dist. 1996).*

292. Trial court's holding that parties' oldest child should not be included in child support calculations because former wife received social security payments on child's behalf was erroneous because nothing in *Fla. Stat. ch. 61.30* authorized such complete exclusion of a child and, more significantly, the trial court had already credited former husband with the eldest child's social security benefits as it had excluded them from its calculation of former wife's gross income. *Hall v. Hall, 677 So. 2d 91, 1996 Fla. App. LEXIS 7832, 21 Fla. L. Weekly D 1686 (Fla. Dist. Ct. App. 1st Dist. 1996).*

293. Court remanded the trial court's award of child support and rehabilitative alimony because the trial court had failed to make a specific finding as to what net monthly income it used in calculating its child support award and the court was unable to determine on appeal if the child support award comported with the child support guidelines contained in *Fla. Stat. ch. 61.30*; the court held that on remand the trial court could have reordered the same amount of child support as previously ordered or have ordered a new amount but that any departure of more than 5% from the guidelines must contain written reasons in accordance with *Fla. Stat. ch. 61.30(1)(a). Esfahani v. Esfahani, 676 So. 2d 527, 1996 Fla. App. LEXIS 7587, 21 Fla. L. Weekly D 1648 (Fla. Dist. Ct. App. 4th Dist. 1996).*

294. Amended final judgment regarding the calculation of child support was affirmed because the court had not deviated more than five percent from the statutory guidelines under *Fla. Stat. ch. 61.30* without written reasons,

contrary to the court's assertions in its earlier opinion. *Ervin v. Ervin, 675 So. 2d 252, 1996 Fla. App. LEXIS 6430, 21 Fla. L. Weekly D 1412 (Fla. Dist. Ct. App. 4th Dist. 1996).*

295. Amended final judgment regarding the calculation of child support was affirmed because the court had not deviated more than five percent from the statutory guidelines under *Fla. Stat. ch. 61.30* without written reasons. *Ervin v. Ervin, 675 So. 2d 252, 1996 Fla. App. LEXIS 6430, 21 Fla. L. Weekly D 1412 (Fla. Dist. Ct. App. 4th Dist. 1996).*

296. Trial court abused its discretion when it reduced the guidelines amount of $1229 to only $398 because it found that the higher amount would exceed the child's actual needs. *Burns v. Burns, 679 So. 2d 6, 1996 Fla. App. LEXIS 6165, 21 Fla. L. Weekly D 1399 (Fla. Dist. Ct. App. 2d Dist. 1996).*

297. Child support guidelines are a mandatory schedule of support designed to meet the minimum needs of a child in relation to the parents' income level; the support which the guidelines mandate well may exceed the child's actual needs when the combined monthly available income is high. *Burns v. Burns, 679 So. 2d 6, 1996 Fla. App. LEXIS 6165, 21 Fla. L. Weekly D 1399 (Fla. Dist. Ct. App. 2d Dist. 1996).*

298. Trial court erred in deviating from the child support guidelines where the trial court had already accounted for alimony paid to the wife by adjusting the husband's monthly available income. *Burns v. Burns, 679 So. 2d 6, 1996 Fla. App. LEXIS 6165, 21 Fla. L. Weekly D 1399 (Fla. Dist. Ct. App. 2d Dist. 1996).*

299. In a post-dissolution proceeding involving visitation, a trial court erred in apportioning attorney's fees in accordance with the same percentages of child support that the parties were required to pay as per the final judgment and *Fla. Stat. ch. 61.30*. In post-dissolution proceedings, the fee determination had to made by considering the parties' relative financial circumstances as required by *Fla. Stat. ch. 61.16* and by using the appropriate inquiry of whether one party had the need for such fees and the other party had the ability to pay them. *Widder v. Widder, 673 So. 2d 954, 1996 Fla. App. LEXIS 5170, 21 Fla. L. Weekly D 1186 (Fla. Dist. Ct. App. 4th Dist. 1996).*

300. Trial court erred when, in calculating husband's child support obligation, it deducted the alimony he was paying to wife pursuant to *Fla. Stat. ch. 61.30(11)(c)* because the amount of child support deviated more than five percent from the guideline amount without a finding explaining the deviation. *Lacaria v. Lacaria, 673 So. 2d 542, 1996 Fla. App. LEXIS 4775, 21 Fla. L. Weekly D 1157 (Fla. Dist. Ct. App. 4th Dist. 1996)*, questioned by *King v. King, 734 So. 2d 470, 1999 Fla. App. LEXIS 6035, 24 Fla. L. Weekly D 1143 (Fla. Dist. Ct. App. 3d Dist. 1999).*

301. Good reason was found why the alimony being paid as a result of this marriage should not be included as gross income to the receiving spouse in that the factor used for determining the minimum amount of child support under the guidelines was the "combined monthly available income" of the parents, and the items to be included in calculating gross income all had a common purpose, which was to arrive at the total income available for child support; inclusion of alimony in the payee's income skewed the amount of "combined monthly available income," and, thus, the amount of child support. *Lacaria v. Lacaria, 673 So. 2d 542, 1996 Fla. App. LEXIS 4775, 21 Fla. L. Weekly D 1157 (Fla. Dist. Ct. App. 4th Dist. 1996).*

302. If alimony paid to the obligee were both included in the obligee's gross income and deducted from the obligor's gross income in calculating the amount of child support to be paid by the obligor, it would not skew the amount of combined monthly available income; however, it would affect each spouse's percentage share of child support, and it was also arguably contrary to the intent of the legislature for the reason that it specifically defined the alimony to be included in the obligee's gross income as only that received from a "previous marriage." *Lacaria v. Lacaria, 673 So. 2d 542, 1996 Fla. App. LEXIS 4775, 21 Fla. L. Weekly D 1157 (Fla. Dist. Ct. App. 4th Dist. 1996).*

303. If a trial court does adjust an obligor's child support obligation so that the amount of child support deviates more than five percent from the guideline amount, there must be a finding explaining the deviation; in a case under review there was more than a five percent deviation, and the trial court did not make such a finding, so the support order could not withstand a challenge. *Lacaria v. Lacaria, 673 So. 2d 542, 1996 Fla. App. LEXIS 4775, 21 Fla. L. Weekly D 1157 (Fla. Dist. Ct. App. 4th Dist. 1996).*

304. Mother's employment history supported imputation of gross income in the amount determined by the trial court in computation of her obligation for child support but did not support imputation of net income in that amount; therefore, the amount awarded to former father was in excess of that outlined in *Fla. Stat. ch. 61.30(3)(a)-(f). Flanagan v. Flanagan, 673 So. 2d 894, 1996 Fla. App. LEXIS 4582, 21 Fla. L. Weekly D 1072 (Fla. Dist. Ct. App. 2d Dist. 1996).*

305. Trial court abused its discretion when it failed to consider mother's preexisting support obligation for child of a prior marriage in determining the amount she could pay for support of her two later-born sons, pursuant to *Fla. Stat. ch. 61.30(11)(k). Flanagan v. Flanagan, 673 So. 2d 894, 1996 Fla. App. LEXIS 4582, 21 Fla. L. Weekly D 1072 (Fla. Dist. Ct. App. 2d Dist. 1996).*

306. In an appeal from modification of child support, a written finding, or a specific finding on the record explaining why the payment of the guideline amount would be unjust or inappropriate was required by *Fla. Stat. ch. 61.30* when the amount varied more than 5 percent above or below the guidelines. *Department of Revenue v. Beal, 672 So. 2d 608, 1996 Fla. App. LEXIS 4114, 21 Fla. L. Weekly D 1022 (Fla. Dist. Ct. App. 1st Dist. 1996).*

307. Where a trial court modified a father's child support payments, a written, specific finding on the record explaining why the modified amount was more than five percent below the guidelines was required. *Department of Revenue v. Beal, 672 So. 2d 608, 1996 Fla. App. LEXIS 4114, 21 Fla. L. Weekly D 1022 (Fla. Dist. Ct. App. 1st Dist. 1996).*

308. Final judgment of paternity ordering father to pay child support reversed where trial court erred in awarding an upward departure from the child support guidelines, and awarded retroactive child support under *Fla. Stat. ch. 61.30,* without making a specific written finding of special needs of the child; the amount awarded did not address the special needs of the child or defendant's ability to pay. *Hice v. Pace, 675 So. 2d 952, 1996 Fla. App. LEXIS 3697, 21 Fla. L. Weekly D 866 (Fla. Dist. Ct. App. 1st Dist. 1996).*

309. In a child support action, the trial court's factual determination that the father's income was greater than he had reported was not an "imputation" of income to the father pursuant to *Fla. Stat. ch. 61.30(2)(b)*; the trial court did not determine what income the "voluntarily unemployed or underemployed" father would have earned if employed to the best of his potential. *Silberman v. Silberman, 670 So. 2d 1109, 1996 Fla. App. LEXIS 3050, 21 Fla. L. Weekly D 763 (Fla. Dist. Ct. App. 3d Dist. 1996).*

310. It was error to provide in a visitation order that if the mother chose to exercise weekend visitation during the father's 28-day visitation period, the father could still reduce his child support for that 28-day period; the reduction was to be permitted only if the children stayed with the father for more than 28 consecutive days. *Didier v. Didier, 669 So. 2d 1072, 1996 Fla. App. LEXIS 2029, 21 Fla. L. Weekly D 581 (Fla. Dist. Ct. App. 1st Dist. 1996).*

311. Trial court erred in failing to to order husband to pay wife child support in a dissolution of marriage action, in the presumptive amount set forth in *Fla. Stat. ch. 61.30(6),* and in failing to make explicit findings of fact to support its downward deviation from the support guidelines. *Reynolds v. Reynolds, 668 So. 2d 245, 1996 Fla. App. LEXIS 1155, 21 Fla. L. Weekly D 424 (Fla. Dist. Ct. App. 1st Dist. 1996).*

312. A trial court's denial of alimony and downward deviation from child support guidelines was reversed and remanded where there were no specific findings of fact in support of the denial of alimony or the downward deviation from child support guidelines. *Reynolds v. Reynolds, 668 So. 2d 245, 1996 Fla. App. LEXIS 1155, 21 Fla. L. Weekly D 424 (Fla. Dist. Ct. App. 1st Dist. 1996).*

313. *Fla. Stat. ch. 61.30(3)* permits only those items listed in the statute as deductions from gross income; money tithed is not included as a deduction under the statute because the statute does not allow discretion in establishing allowable deductions. *Copeland v. Copeland, 667 So. 2d 487, 1996 Fla. App. LEXIS 837, 21 Fla. L. Weekly D 356 (Fla. Dist. Ct. App. 1st Dist. 1996).*

314. Where a former husband and a former wife challenged several aspects of a partial final judgment that dissolved their marriage, including the trial court's decision to allow a deduction for tithing from the parties gross income for purposes of calculating child support, there was error because money tithed was not an allowable deduction from gross

income. *Copeland v. Copeland, 667 So. 2d 487, 1996 Fla. App. LEXIS 837, 21 Fla. L. Weekly D 356 (Fla. Dist. Ct. App. 1st Dist. 1996).*

315. In determining a child support award, the trial court erred in failing to distinguish gross from net income of the father, as required by *Fla. Stat. ch. 61.30 (2)(b)*, (6), and (9), in failing to consider each parent's full and present earning capacity as reflected in the record by determining that the wife could only earn $ 6000 from substitute teaching when the record reflected that the wife performed secretarial duties while married and failed to seek similar employment when the parties separated, and in failing to consider the support provided by the husband to the child in his custody by applying the guidelines amount designated as support for one child separately for each child, instead of applying the amount designated for two children. *Thilem v. Thilem, 662 So. 2d 1314, 1995 Fla. App. LEXIS 11325, 20 Fla. L. Weekly D 2367 (Fla. Dist. Ct. App. 3d Dist. 1995).*

316. The trial court properly created a trust and appointed a guardian ad litem under *Fla. Stat. ch. 61.401* for a good fortune child support award under *Fla. Stat. ch. 61.30* because the order was within the authority of the trial court. *Boyt v. Romanow, 664 So. 2d 995, 1995 Fla. App. LEXIS 10636, 20 Fla. L. Weekly D 2315 (Fla. Dist. Ct. App. 2d Dist. 1995).*

317. Disabled parents were obligated to pay support for their two disabled adult children who resided in foster homes where parents failed to allege and prove entitlement to a credit for social security benefits received by them for the benefit of their children. *Harbolt v. Department of Health & Rehabilitative Servs., 660 So. 2d 387, 1995 Fla. App. LEXIS 9712, 20 Fla. L. Weekly D 2126 (Fla. Dist. Ct. App. 5th Dist. 1995).*

318. *Fla. Stat. ch. 61.30(2)(b)* provides that a court may impute income to a voluntarily unemployed or underemployed parent, however, voluntary unemployment or underemployment is not a basis for reducing a parent's child support obligation; under the statutory scheme, once the trial court imputes income to the unemployed or underemployed parent, the court then determines the obligation of each parent as to the guideline amount. *Chapoteau v. Chapoteau, 659 So. 2d 1381, 1995 Fla. App. LEXIS 9556, 20 Fla. L. Weekly D 2088 (Fla. Dist. Ct. App. 3d Dist. 1995).*

319. Husband's employer-provided housing should have been considered as income for the purposes of computing child support pursuant to *Fla. Stat. ch. 61.30(2)*13. *Chapoteau v. Chapoteau, 659 So. 2d 1381, 1995 Fla. App. LEXIS 9556, 20 Fla. L. Weekly D 2088 (Fla. Dist. Ct. App. 3d Dist. 1995).*

320. Trial court erred in failing to impute the value of a former husband's employer-provided residence as income to him in calculating his child support obligation because the housing fell within the classification of reimbursed expenses or in kind payments to the extent that they reduced living expenses. *Chapoteau v. Chapoteau, 659 So. 2d 1381, 1995 Fla. App. LEXIS 9556, 20 Fla. L. Weekly D 2088 (Fla. Dist. Ct. App. 3d Dist. 1995).*

321. Trial court's variance from the child support guidelines set forth in *Fla. Stat. ch. 61.30(2)* in calculating a former husband's child support obligation was error because nothing in the statutory scheme suggested that voluntary departure from the marital home or travel expenses associated with visitation constituted valid reasons for reducing a parent's child support obligation, social welfare benefits received by the former wife in Germany could not be used to reduce the former husband's child support obligation, the trial court's blanket statement that there were differences between the lifestyle and the costs of living in the United States and in Germany was insufficient to justify a variance, and the wife's allegedly voluntary unemployment did not provide a basis for varying from the guidelines. *Chapoteau v. Chapoteau, 659 So. 2d 1381, 1995 Fla. App. LEXIS 9556, 20 Fla. L. Weekly D 2088 (Fla. Dist. Ct. App. 3d Dist. 1995).*

322. In a mother's challenge to an order setting a father's child support obligation, the trial court failed to make the requisite findings of fact under *Fla. Stat. ch. 61.30(2)(b)* to impute a monthly income of $1733.33. to the mother, whose financial affidavit stated a monthly income of $50.00. *Cortez-Williams v. Douglass, 659 So. 2d 1250, 1995 Fla. App. LEXIS 9022, 20 Fla. L. Weekly D 2005 (Fla. Dist. Ct. App. 1st Dist. 1995).*

323. In a dissolution of marriage action where the husband and wife agreed to share equally the parental responsibility and custody of the minor children, the trial court improperly determined the amount of child support owed by the father where the trial court failed to make specific findings either in writing or on the record explaining why ordering payment of the child support guideline amount would have been unjust or inappropriate; the trial court's child support amount

varied more than five percent from the presumptive guideline amount. *Hardy v. Hardy, 659 So. 2d 1246, 1995 Fla. App. LEXIS 9025, 20 Fla. L. Weekly D 1997 (Fla. Dist. Ct. App. 1st Dist. 1995).*

324. Trial court was allowed to award custodial spouse use of noncustodial spouse's nonmarital asset house as child support pursuant to *Fla. Stat. ch. 61.30(13). Dyer v. Dyer, 658 So. 2d 148, 1995 Fla. App. LEXIS 7431, 20 Fla. L. Weekly D 1599 (Fla. Dist. Ct. App. 4th Dist. 1995).*

325. Former wife's use of her husband's separately owned house as a form of child support was appropriate so long as trial court set forth written findings of valuation of whether child support deviated from guidelines; pursuant to *Fla. Stat. ch. 61.30*, the trial court could order child support to be paid from nonrecurring income or assets. *Dyer v. Dyer, 658 So. 2d 148, 1995 Fla. App. LEXIS 7431, 20 Fla. L. Weekly D 1599 (Fla. Dist. Ct. App. 4th Dist. 1995).*

326. *Fla. Stat. ch. 61.30(2)(b)* required income to be imputed to the former wife for purposes of calculating child support in a marital dissolution action where the former wife had been unemployed due to having to care for a sick child but testified that even in light of the child's medical needs that she intended to go back to work on a part-time basis once all the children went back to school. *Rojas v. Rojas, 656 So. 2d 563, 1995 Fla. App. LEXIS 6436, 20 Fla. L. Weekly D 1392 (Fla. Dist. Ct. App. 3d Dist. 1995).*

327. In the wife's application for an increase in child support, cash gifts received from the husband's parents from time to time, which had not yet been received, were purely speculative in nature, mere expectancies, and as such were not properly included in the calculation of income for purposes of determining the need for, or the ability to provide, support pursuant to the child support guidelines, *Fla. Stat. ch. 61.30. Sol v. Sol, 656 So. 2d 206, 1995 Fla. App. LEXIS 5624, 20 Fla. L. Weekly D 1250 (Fla. Dist. Ct. App. 3d Dist. 1995).*

328. There was no evidentiary basis for retroactive award of only $300 in child support to mother from the date of the child's birth to the date of the hearing in which father's paternity was established because the child had special medical problems requiring additional medical care, mother had limited income as a waitress, and father had demonstrated both the ability to pay child support by virtue of monthly income and the willingness to pay child support. *Richards v. Ryan, 655 So. 2d 1184, 1995 Fla. App. LEXIS 5235, 20 Fla. L. Weekly D 1198 (Fla. Dist. Ct. App. 1st Dist. 1995).*

329. It was error for the trial court to award child support in an amount below the guidelines without making the findings of fact required by *Fla. Stat. ch. 61.30(1)(a)* explaining why the guidelines amount was unjust or inappropriate. *Stewmon v. Stewmon, 654 So. 2d 259, 1995 Fla. App. LEXIS 4487, 20 Fla. L. Weekly D 1048 (Fla. Dist. Ct. App. 2d Dist. 1995).*

330. Value of former husband's company car was properly included in his net income for purposes of calculating his child support obligation because such car was an in-kind payment to him under *Fla. Stat. ch. 61.30(2)(a)*; the car was provided for business and personal use, and would reduce former husband's living expenses as he did not have to purchase or lease a car. *McDaniel v. McDaniel, 653 So. 2d 1076, 1995 Fla. App. LEXIS 3695, 20 Fla. L. Weekly D 929 (Fla. Dist. Ct. App. 5th Dist. 1995).*

331. Trial court's failure to include the former husband's overtime income in the former wife's petition for an upward modification of child support was improper because under *Fla. Stat. ch. 61.30(2)(a)*2, regular overtime earnings were to be included in the determination of gross income unless there was a specific finding that such earnings would not be available in the future. *Skipper v. Skipper, 654 So. 2d 1181, 1995 Fla. App. LEXIS 2804, 20 Fla. L. Weekly D 723 (Fla. Dist. Ct. App. 3d Dist. 1995).*

332. Court found that the plain and otherwise unambiguous language of *Fla. Stat. ch. 61.30(2)(a)*2 revealed that overtime was not limited to that which was mandatory because if the legislature had intended such a limitation, it would have so stated. *Skipper v. Skipper, 654 So. 2d 1181, 1995 Fla. App. LEXIS 2804, 20 Fla. L. Weekly D 723 (Fla. Dist. Ct. App. 3d Dist. 1995).*

333. The plain and otherwise unambiguous language of *Fla. Stat. ch. 61.30(2)(a)*2 revealed that overtime was not limited to that which was mandatory because if the legislature had intended such a limitation, it would have so stated.

Skipper v. Skipper, 654 So. 2d 1181, 1995 Fla. App. LEXIS 2804, 20 Fla. L. Weekly D 723 (Fla. Dist. Ct. App. 3d Dist. 1995).

334. Trial court abused its discretion when it failed to deduct a portion of the mother's net monthly income to reflect her support of her three older children, because *Fla. Stat. ch. 61.30* permitted an adjustment of the minimum child support award on the basis of any other adjustment needed to achieve an equitable result. *Hutslar v. Lappin, 652 So. 2d 432, 1995 Fla. App. LEXIS 2642, 20 Fla. L. Weekly D 699 (Fla. Dist. Ct. App. 1st Dist. 1995).*

335. Award of child support payments from former husband was in error where the amount awarded exceeded the guideline amount by more than 5%, *Fla. Stat. ch. 61.30(1)(a)*; case remanded to trial court for correction of the child support award to comport with the child support guidelines. *Stanton v. Stanton, 648 So. 2d 1233, 1995 Fla. App. LEXIS 251, 20 Fla. L. Weekly D 205 (Fla. Dist. Ct. App. 4th Dist. 1995).*

336. Because the statute required either a written order or specific findings on the record before the trial court could depart from the child support guidelines, the trial court's failure to delineate whether the obligor's income figures were gross or net, or to give reasons to support a departure from the amount specified in the guidelines, required remand to correct the oversights. *Dehler v. Dehler, 648 So. 2d 819, 1995 Fla. App. LEXIS 36, 20 Fla. L. Weekly D 137 (Fla. Dist. Ct. App. 4th Dist. 1995).*

337. Final order of marriage dissolution improperly included a child support award in excess of the standards established in *Fla. Stat. ch. 61.30* because the award deviated in an amount greater that 5% of the permissible amount without a written specific finding as to why the guidelines sum was inappropriate. *Aust v. Aust, 644 So. 2d 536, 1994 Fla. App. LEXIS 9378, 19 Fla. L. Weekly D 2078 (Fla. Dist. Ct. App. 5th Dist. 1994).*

338. Although the trial court correctly utilized imputed net income for father to calculate the minimum child support need under the guidelines, the trial court should have derived the imputed net income only after taking the allowable deductions from an imputed gross income figure as provided in *Fla. Stat. ch. 61.30(3). Moss v. Moss, 636 So. 2d 164, 1994 Fla. App. LEXIS 3825, 19 Fla. L. Weekly D 915 (Fla. Dist. Ct. App. 4th Dist. 1994).*

339. The trial court abused its discretion where it required husband to contribute an excessive portion of his income to satisfy his child support obligation without consideration of husband's ability to pay, leaving husband only $380 per month on which to live. *Moss v. Moss, 636 So. 2d 164, 1994 Fla. App. LEXIS 3825, 19 Fla. L. Weekly D 915 (Fla. Dist. Ct. App. 4th Dist. 1994).*

340. When the custodial parent made an application for an increase in child support, the child support guidelines were presumptively the proper amount to be ordered for the support of a minor child pursuant to *Fla. Stat. ch. 61.30(1)(a)*; under ch. 61.31(1)(a) the court was required to make a specific finding on the record when it ordered child support in an amount different from the guidelines amount. *Department of Health & Rehabilitative Servs. Ex Rel. Jones v. Scott, 634 So. 2d 1122, 1994 Fla. App. LEXIS 3270, 19 Fla. L. Weekly D 806 (Fla. Dist. Ct. App. 2d Dist. 1994).*

341. Child support obligation, which required father to pay child support in an amount greater than what the evidence indicated he earned, was not adequately supported under *Fla. Stat. ch. 61.30* when the trial court failed to make appropriate findings for the departure. *Wood v. Wood, 632 So. 2d 720, 1994 Fla. App. LEXIS 1687, 19 Fla. L. Weekly D 531 (Fla. Dist. Ct. App. 1st Dist. 1994).*

342. Order modifying child support was reversed and remanded because trial court failed to determine whether mother's overtime at her full-time employment and part-time employment at a second job were properly includable as income sources in the future in determining gross income under *Fla. Stat. ch. 61.30(2)(a)*2. *Butler v. Brewster, 629 So. 2d 1092, 1994 Fla. App. LEXIS 32, 19 Fla. L. Weekly D 114 (Fla. Dist. Ct. App. 4th Dist. 1994).*

343. In a case where the court found that father's income represented 87 percent of the parties' combined income, it was an error for the trial court to order him to pay the entire amount of guideline child support; the trial court should have ordered him to pay 87 percent of the guideline support pursuant to *Fla. Stat. ch. 61.30(9). Jarrell v. Jarrell, 630 So. 2d 626, 1994 Fla. App. LEXIS 7, 19 Fla. L. Weekly D 69 (Fla. Dist. Ct. App. 4th Dist. 1994),* review denied by *639 So. 2d 978, 1994 Fla. LEXIS 881 (Fla. 1994).*

344. Judgment establishing father's child support obligation was improper where the obligation was below state guidelines and in the absence of a specific finding that the guideline amount was unjust or inappropriate; failure to order payment of arrearages was likewise improper where the father presented no compelling circumstances or valid defense to avoid the arrears. *Will v. Thomas, 627 So. 2d 574, 1993 Fla. App. LEXIS 11967, 18 Fla. L. Weekly D 2563 (Fla. Dist. Ct. App. 2d Dist. 1993).*

345. Trial court erred in establishing the child support level for which the father, an orthopedic surgeon, was responsible below the minimum child support floor set out in *Fla. Stat. ch. 61.30(3). Zak v. Zak, 629 So. 2d 187, 1993 Fla. App. LEXIS 11170, 18 Fla. L. Weekly D 2358 (Fla. Dist. Ct. App. 2d Dist. 1993).*

346. *Fla. Stat. ch. 61.30(1)(a)* provides that the child support guideline amount presumptively establishes the amount the trier of fact shall order as child support; the trier of fact may order payment of child support in an amount different from such guideline amount, explaining why ordering payment of such guideline amount would be unjust or inappropriate; it is reversible error to depart from the child support guidelines without provision of a written finding or a specific finding explaining why it would be unjust or inappropriate to order payment of the guidelines amount, as required by *Fla. Stat. ch. 61.30. Pitts v. Pitts, 626 So. 2d 278, 1993 Fla. App. LEXIS 11192, 18 Fla. L. Weekly D 2346 (Fla. Dist. Ct. App. 1st Dist. 1993).*

347. Nothing in *Fla. Stat. ch. 61.30* either precludes or requires that child support awards be per child or lump sum, although it is inferred that the statute contemplates a lump sum award because the schedules provide for cumulative support amounts for increasing numbers of children; nonetheless, a trial court's exercise of discretion in making a per child award rather than a lump sum award is not error, where the total of the per child award does not violate the guidelines. *Department of Health & Rehabilitative Servs. v. Beckwith, 624 So. 2d 395, 1993 Fla. App. LEXIS 9516, 18 Fla. L. Weekly D 2083 (Fla. Dist. Ct. App. 5th Dist. 1993).*

348. Child support determination was within the sound discretion of the trial court, subject to the statutory guidelines and the reasonableness test, *Fla. Stat. ch. 61.30(1)(a)*, but the trial court abused its discretion when it ignored the parties' binding pretrial stipulation as to their respective incomes and calculated the child support award based on an income that was improperly imputed to the father; remand was required for correction of the award to comport with the child support guidelines, unless the trial court could provide legally supportable reasons for deviating from the guidelines. *Armstrong v. Armstrong, 623 So. 2d 1216, 1993 Fla. App. LEXIS 8958, 18 Fla. L. Weekly D 1969 (Fla. Dist. Ct. App. 4th Dist. 1993).*

349. Trial court's order requiring ex-husband to pay child support in an amount greater than the proportionate share for his income under the child support guidelines was reversed and remanded where the trial court failed to state on the record its findings justifying the deviation. *Winters v. Katseralis, 623 So. 2d 613, 1993 Fla. App. LEXIS 8924, 18 Fla. L. Weekly D 1945 (Fla. Dist. Ct. App. 2d Dist. 1993).*

350. Child support guidelines under *Fla. Stat. ch. 61.30(6)* were mandatory and had to be followed to achieve stability and uniformity in the area of child support; thus, court erred in reducing ex-husband's child support on grounds that ex-husband was a recovering drug addict who had completed a drug rehabilitation program because this was not a valid reason for reducing child support under *Fla. Stat. ch. 61.30* and evidence showed ex-husband was employed and capable of paying statutory support amount. *Department of Health & Rehabilitative Servs. v. Schwass, 622 So. 2d 578, 1993 Fla. App. LEXIS 8190, 18 Fla. L. Weekly D 1724 (Fla. Dist. Ct. App. 5th Dist. 1993).*

351. Father was liable to pay from a workers' compensation settlement the sum of $25,593 in child support arrearages and interest because the father's child support obligation was not a debt or a claim of a creditor and, the interest constituted payment to the children for the loss of the unpaid obligation; the benefits of workers' compensation were intended to relieve the father and his children from the economic stress resulting from the father's injury and, for that reason, his workers' compensation benefits were included within the definition of gross income for the calculation of child support under *Fla. Stat. ch. 61.30(2)(a)(5). Bryant v. Bryant, 621 So. 2d 574, 1993 Fla. App. LEXIS 7656, 18 Fla. L. Weekly D 1658 (Fla. Dist. Ct. App. 2d Dist. 1993).*

352. Father could not be ordered to pay temporary child support during the pendency of dissolution proceedings, where the trial court failed to consider the Florida child support guidelines to arrive at the presumptive amount of child support under *Fla. Stat. ch. 61.30*. *Burkhart v. Burkhart, 620 So. 2d 225, 1993 Fla. App. LEXIS 6435, 18 Fla. L. Weekly D 1449 (Fla. Dist. Ct. App. 1st Dist. 1993).*

353. Where father paid into a voluntary pension plan, his gross income included contributions to the pension plan under *Fla. Stat. ch. 61.30(3)(d)* for the purposes of determining the amount of child support father owed. *Baker v. Ashton, 617 So. 2d 822, 1993 Fla. App. LEXIS 4763, 18 Fla. L. Weekly D 1166 (Fla. Dist. Ct. App. 1st Dist. 1993).*

354. Trial court erred in ordering the husband to pay $125 per week in child support because the wife's total net monthly income was listed in her financial affidavit at $803.85 per month and the husband's imputed income was $2,000 per month, for a combined total of $2,803.85 per month; under *Fla. Stat. ch. 61.30*, this amount called for a total child support need of $589 per month. *Steele v. Steele, 617 So. 2d 736, 1993 Fla. App. LEXIS 3661, 18 Fla. L. Weekly D 881 (Fla. Dist. Ct. App. 2d Dist. 1993)*, review denied by *626 So. 2d 208, 626 So. 2d 209, 1993 Fla. LEXIS 1469 (Fla. 1993).*

355. Where the trial court departed from the child support guidelines without providing a written finding, or a specific finding on the record, explaining why ordering payment of such guideline amount would be unjust or inappropriate under *Fla. Stat. ch. 61.30*, that portion of the order awarding child support was reversed and the cause remanded for the trial court to enter an amended order explaining its reason for departing from the guidelines or to enter an amended order awarding child support within the guidelines. *Martin v. Martin, 616 So. 2d 158, 1993 Fla. App. LEXIS 3490, 18 Fla. L. Weekly D 855 (Fla. Dist. Ct. App. 3d Dist. 1993).*

356. Modification of child support order, which set an amount below the guidelines of *Fla. Stat. ch. 61.30*, was not an abuse of discretion when father demonstrated a drop in income and increase in living expenses. *Department of Health & Rehabilitative Services v. McGurl, 614 So. 2d 648, 1993 Fla. App. LEXIS 2260, 18 Fla. L. Weekly D 609 (Fla. Dist. Ct. App. 2d Dist. 1993).*

357. Trial court improperly awarded child support under *Fla. Stat. ch. 61.30* because the amount of support the trial court ordered was not a guidelines amount under any version of the evidence in the case and the amount was likely a typographical error. *Dye v. Dye, 608 So. 2d 941, 1992 Fla. App. LEXIS 12240, 17 Fla. L. Weekly D 2717 (Fla. Dist. Ct. App. 2d Dist. 1992).*

358. Trial court order that denied child support and medical insurance for an earlier-born child of father in an action brought by appellant Florida Department of Health and Rehabilitative Services was improper because the older child could not be denied support simply because he or she did not share the same home with father and other siblings. *Office of Child Support Enforcement v. Skates, 603 So. 2d 81, 1992 Fla. App. LEXIS 8165, 17 Fla. L. Weekly D 1829 (Fla. Dist. Ct. App. 5th Dist. 1992).*

359. Trial court improperly imputed an earning capacity at the rate of the minimum wage for a 40-hour week to the former wife in determining the former wife's child support obligation in a final judgment of a marriage dissolution because even though the record suggested that the former wife was voluntarily unemployed but capable of earning a minimum wage, the trial court did not disclose how it reached the ultimate computation of the former wife's child support obligation pursuant to *Fla. Stat. ch. 61.30(2)(b)*. *Braman v. Braman, 602 So. 2d 682, 1992 Fla. App. LEXIS 7767, 17 Fla. L. Weekly D 1729 (Fla. Dist. Ct. App. 2d Dist. 1992)*, overruled by *Bader v. Bader, 639 So. 2d 122, 1994 Fla. App. LEXIS 7232, 19 Fla. L. Weekly D 1384 (Fla. Dist. Ct. App. 2d Dist. 1994)*, criticized by *Murphy v. Murphy, 621 So. 2d 455, 1993 Fla. App. LEXIS 6056, 18 Fla. L. Weekly D 1361 (Fla. Dist. Ct. App. 4th Dist. 1993).*

360. Appellate court was unable to make a meaningful review of husband's appellate issues because trial court failed to set out the required findings to allow the review; trial court failed to comply with statutory requirements of *Fla. Stat. ch. 61.30(1)(a)*, which required that the trial court set forth the facts it utilized to reach its decision for child support, either by using the guidelines, or explaining why it deviated from the guidelines. *Walsh v. Walsh, 600 So. 2d 1222, 1992 Fla. App. LEXIS 6267, 17 Fla. L. Weekly D 1493 (Fla. Dist. Ct. App. 1st Dist. 1992).*

361. Fla. Stat ch. 61.30(1)(a) required trial court findings that child support guidelines contained in Fla. Stat ch. 61.30(6) were unjust or inappropriate. *Glover v. Glover, 601 So. 2d 231, 1992 Fla. App. LEXIS 5506, 17 Fla. L. Weekly D 1374 (Fla. Dist. Ct. App. 1st Dist. 1992).*

362. Trial court erred in its determination of child support in dissolution of marriage proceeding; the child support guidelines set forth in *Fla. Stat. ch. 61.30* were to be utilized as a floor in the consideration of the sums to be awarded. *Sinclair v. Sinclair, 594 So. 2d 807, 1992 Fla. App. LEXIS 1024, 17 Fla. L. Weekly D 450 (Fla. Dist. Ct. App. 3d Dist. 1992).*

363. Trial court improperly modified a former husband's child support obligation under *Fla. Stat. ch. 61.30(1)(a)* because there was no record evidence establishing that a former wife's needs were less than the minimum guidelines amount for parties earning a combined income of more than $50,000 annually. *Torres v. Hunter, 592 So. 2d 757, 1992 Fla. App. LEXIS 449, 17 Fla. L. Weekly D 288 (Fla. Dist. Ct. App. 1st Dist. 1992).*

364. In a paternity action, a paternity adjudication was affirmed but a child support order was reversed and remanded because the trial court failed to make the requisite findings to impute income to the father and erroneously awarded retroactive child support. *Neal v. Meek, 591 So. 2d 1044, 1991 Fla. App. LEXIS 12914, 17 Fla. L. Weekly D 103 (Fla. Dist. Ct. App. 1st Dist. 1991).*

365. Trial court abused its discretion in determining that the child support guidelines were inapplicable based on the parents' income because although the child support guidelines did not apply, they were an appropriate starting point for the calculation of child support. *Weinstein v. Steele, 590 So. 2d 1005, 1991 Fla. App. LEXIS 12261, 16 Fla. L. Weekly D 3039 (Fla. Dist. Ct. App. 3d Dist. 1991).*

366. When a trial court granted a mother's petition for modification of child support but failed to award as a minimum an amount that was required under the child-support guidelines, the award was inappropriate. Where the parties' combined income exceeded the $ 50,000 maximum that was provided under *Fla. Stat. ch. 61.30* in 1991, the trial court had to nevertheless use the maximum presumptive guidelines amount as a "floor" to the child support award. *Barrs v. Barrs, 590 So. 2d 980, 1991 Fla. App. LEXIS 12211, 16 Fla. L. Weekly D 3024 (Fla. Dist. Ct. App. 1st Dist. 1991).*

367. Trial court erred in failing to impute income to husband for child support purposes pursuant to *Fla. Stat. chs. 61.046* and *61.30(2)(b)* because there was competent substantial evidence in the record that he was receiving income and there was no evidence that his underemployment was involuntary or that he lacked the ability to obtain employment commensurate with his proven abilities. *Polley v. Polley, 588 So. 2d 638, 1991 Fla. App. LEXIS 10525, 16 Fla. L. Weekly D 2723 (Fla. Dist. Ct. App. 3d Dist. 1991).*

368. In determining the proper amount of child support that a father was required to pay where the combined incomes of the father and the mother exceeded $50,000, the record did not contain sufficient competent evidence to determine the proper amount in accordance with *Fla. Stat. ch. 61.30. Durden v. Hewitt, 582 So. 2d 1243, 1991 Fla. App. LEXIS 7024, 16 Fla. L. Weekly D 1919 (Fla. Dist. Ct. App. 4th Dist. 1991).*

369. When father was ordered to pay child support for a child born out of wedlock, it was error for the trial court to use the child support guidelines set out under *Fla. Stat. ch. 61.30* to determine the support award because those guidelines were not in effect when the complaint was filed. *Martinez v. Agostini, 579 So. 2d 280, 1991 Fla. App. LEXIS 4164, 16 Fla. L. Weekly D 1241 (Fla. Dist. Ct. App. 3d Dist. 1991).*

370. Trial court's failure to impute income to husband simply because he voluntarily left his higher paying job was proper because there was no evidence that husband's unemployment or underemployment was done in pursuit of husband's own interest or through less that diligent and bona fide efforts to find a replacement job; the court held that the evidence showed that husband tried to find a replacement job with the same pay level and was unable to. *Ensley v. Ensley, 578 So. 2d 497, 1991 Fla. App. LEXIS 3768, 16 Fla. L. Weekly D 1110 (Fla. Dist. Ct. App. 5th Dist. 1991).*

371. Trial court abused its discretion when it deviated from child support guidelines under *Fla. Stat. ch. 61.30(1)(a)* because a desire to remove the child from public assistance was an insufficient reason to deviate from the guidelines.

Upshaw v. Reaves, 572 So. 2d 560, 1990 Fla. App. LEXIS 9675, 16 Fla. L. Weekly D 40 (Fla. Dist. Ct. App. 1st Dist. 1990).

372. Trial court's order for wife to pay child support for her three youngest children even though only two resided with her was properly reversed because the trial court improperly imputed income to her under *Fla. Stat. ch. 61.30*; the undisputed testimony was that she suffered from a back injury that limited her ability to work and therefore, while she was underemployed, she had no control over her physical inability to work. *Lewis v. Lewis, 569 So. 2d 1342, 1990 Fla. App. LEXIS 8604, 15 Fla. L. Weekly D 2743 (Fla. Dist. Ct. App. 1st Dist. 1990),* review denied by *581 So. 2d 165 (Fla. 1991).*

373. Wife was not entitled to additional child support, permanent alimony, or an interest in husband's accounts receivables because there was evidence to support the award under *Fla. Stat. ch. 61.30*, and the trial court had not abused its discretion. *Leone v. Leone, 577 So. 2d 587, 1990 Fla. App. LEXIS 7853, 15 Fla. L. Weekly D 2583 (Fla. Dist. Ct. App. 3d Dist. 1990),* limited by *Staman v. Staman, 622 So. 2d 1147, 1993 Fla. App. LEXIS 8456, 18 Fla. L. Weekly D 1839 (Fla. Dist. Ct. App. 1st Dist. 1993).*

374. Child support guidelines provided in *Fla. Stat. ch. 61.30* should not automatically be applied without considering both the needs of the child and the overall financial circumstances of the parties. *Hillman v. Hillman, 567 So. 2d 1066, 1990 Fla. App. LEXIS 7804, 15 Fla. L. Weekly D 2615 (Fla. Dist. Ct. App. 2d Dist. 1990).*

375. Where wife was remarried and worked only one day per month as a substitute teacher, the trial court improperly deviated from the requirements of *Fla. Stat. ch. 61.30* in attributing a greater income potential and dividing the cost of child support equally between the wife and her ex-husband. *Mulford v. Sullivan, 560 So. 2d 1364, 1990 Fla. App. LEXIS 3279, 15 Fla. L. Weekly D 1321 (Fla. Dist. Ct. App. 1st Dist. 1990).*

376. In determining the amount of a family's combined family gross income for purposes of determining the child support obligation of the father, the court should have included, under *Fla. Stat. ch. 61.30(2)(a)*8, social security benefits being received directly by the children. *Williams v. Williams, 560 So. 2d 308, 1990 Fla. App. LEXIS 2795, 15 Fla. L. Weekly D 1045 (Fla. Dist. Ct. App. 1st Dist. 1990),* questioned by *Gomez v. Gomez, 736 So. 2d 119, 1999 Fla. App. LEXIS 8338, 24 Fla. L. Weekly D 1475 (Fla. Dist. Ct. App. 4th Dist. 1999).*

377. Child support guidelines did not apply to parents with a combined net income in excess of $50,000 per year, and such parents' child support orders were to be determined upon case by case review pursuant to *Fla. Stat. ch. 61.30(1)*; the respective share of child support from parents with combined net incomes in excess of $50,000 should be determined in part by comparing each parent's net income to their combined net incomes. *Ombres v. Ombres, 564 So. 2d 1103, 1990 Fla. App. LEXIS 1775, 15 Fla. L. Weekly D 765 (Fla. Dist. Ct. App. 4th Dist. 1990),* quashed in part by *596 So. 2d 956, 1991 Fla. LEXIS 1983, 16 Fla. L. Weekly S 740 (Fla. 1991).*

378. Although child support guidelines do not apply to parents with a combined net income in excess of $ 50,000 per year, such persons shall be subject to child support orders, based upon individual case by case review pursuant to *Fla. Stat. ch. 61.30(1). Ombres v. Ombres, 564 So. 2d 1103, 1990 Fla. App. LEXIS 1775, 15 Fla. L. Weekly D 765 (Fla. Dist. Ct. App. 4th Dist. 1990).*

379. Trial court awarded inadequate child support to be paid by father to mother under *Fla. Stat. ch. 61.30*; following the sale of the marital residence, trial court was required to recalculate the father's child support obligation. *Glinsky v. Glinsky, 542 So. 2d 1021, 1989 Fla. App. LEXIS 1617, 14 Fla. L. Weekly 821 (Fla. Dist. Ct. App. 2d Dist. 1989).*

380. Trial court had the discretion under *Fla. Stat. ch. 61.30(i)* to order a wife to execute a waiver of income tax dependency exemption and to grant a husband's petition because he was the non-custodial parent and he was current on his support payments. *Harris v. Harris, 760 So. 2d 152, 2000 Fla. App. LEXIS 82, 25 Fla. L. Weekly D 107 (Fla. Dist. Ct. App. 2d Dist. 2000).*

381. *Fla. Stat. ch. 61.30(i)* gives a trial court discretion to order a custodial parent to execute a release of a claim for income tax deduction. *Harris v. Harris, 760 So. 2d 152, 2000 Fla. App. LEXIS 82, 25 Fla. L. Weekly D 107 (Fla. Dist. Ct. App. 2d Dist. 2000).*

382. An award of attorney fees in a marital dissolution was dependent, not on the success of the ex-wife's claims, but on the relative financial resources of the parties, pursuant to *Fla. Stat. ch. 61.30*; therefore, the reduction in the attorney fee award and the failure to make written findings were erroneous. *Bullock v. Jones, 666 So. 2d 224, 1995 Fla. App. LEXIS 13483, 21 Fla. L. Weekly D 135 (Fla. Dist. Ct. App. 2d Dist. 1995).*

383. Under *Fla. Stat. ch. 61.076(1)* all funds accrued during a marriage in retirement plans were marital assets subject to equitable distribution and *Fla. Stat. ch. 61.30(2)(a)(7)* required retirement payments to be included as gross income in determining child support obligations. *Siegel v. Siegel, 700 So. 2d 414, 1997 Fla. App. LEXIS 10721, 22 Fla. L. Weekly D 2249 (Fla. Dist. Ct. App. 4th Dist. 1997).*

384. In a post-dissolution proceeding involving visitation, a trial court erred in apportioning attorney's fees in accordance with the same percentages of child support that the parties were required to pay as per the final judgment and *Fla. Stat. ch. 61.30*. In post-dissolution proceedings, the fee determination had to made by considering the parties' relative financial circumstances as required by *Fla. Stat. ch. 61.16* and by using the appropriate inquiry of whether one party had the need for such fees and the other party had the ability to pay them. *Widder v. Widder, 673 So. 2d 954, 1996 Fla. App. LEXIS 5170, 21 Fla. L. Weekly D 1186 (Fla. Dist. Ct. App. 4th Dist. 1996).*

385. In dissolution action, an order imputing income to the husband pursuant to his most recent level of earnings was error where the order merely found that the husband had been employed for the past 13 years and that his income had increased each year until he was terminated and where the order lacked the requisite findings for imputation of income under *Fla. Stat. ch. 61.30(2)(b)* in its failure to show that the husband's unemployed status was voluntary or that he was not using his best efforts to obtain employment. *Lee v. Lee, 751 So. 2d 741, 2000 Fla. App. LEXIS 1624, 25 Fla. L. Weekly D 500 (Fla. Dist. Ct. App. 1st Dist. 2000).*

386. Under *Fla. Stat. ch. 61.30(2)(b)*, it is error for a court to impute income to an obligor in alimony proceedings without making the necessary findings. *Lee v. Lee, 751 So. 2d 741, 2000 Fla. App. LEXIS 1624, 25 Fla. L. Weekly D 500 (Fla. Dist. Ct. App. 1st Dist. 2000).*

387. Because an order contained insufficient findings as to whether a husband's unemployed status was voluntary or whether he was using his best efforts to obtain employment, a trial court erred in imputing income to the husband while calculating his alimony obligation because it had not made the necessary findings under *Fla. Stat. ch. 61.30(2)(b). Lee v. Lee, 751 So. 2d 741, 2000 Fla. App. LEXIS 1624, 25 Fla. L. Weekly D 500 (Fla. Dist. Ct. App. 1st Dist. 2000).*

388. Irrespective of whether the former wife did or did not originally agree to the former husband's plan to retire when he left the maritime industry, his unemployment at the time of the final hearing clearly was voluntary for purposes of imputing income. *Smith v. Smith, 737 So. 2d 641, 1999 Fla. App. LEXIS 10432, 24 Fla. L. Weekly D 1843 (Fla. Dist. Ct. App. 1st Dist. 1999).*

389. Child support paid by the husband should not have been included in the wife's income for the purpose of determining alimony because *Fla. Stat. ch. 61.30(2),*(3) provides that in computing net income, alimony received was counted as income to the payee spouse and alimony paid was deducted from the payor spouse's income; alimony should have been computed before child support, not vice versa. *Kranz v. Kranz, 737 So. 2d 1198, 1999 Fla. App. LEXIS 9897, 24 Fla. L. Weekly D 1737 (Fla. Dist. Ct. App. 5th Dist. 1999).*

390. Pursuant to *Fla. Stat. ch. 61.30(2)(a)*9 and (3)(g), the trial court must include in a party's income any alimony received and then subtract alimony paid, thus, alimony must be determined before child support can be calculated under the guidelines. *Kranz v. Kranz, 737 So. 2d 1198, 1999 Fla. App. LEXIS 9897, 24 Fla. L. Weekly D 1737 (Fla. Dist. Ct. App. 5th Dist. 1999).*

391. Awards of alimony and child support were reversed for further findings concerning the amount of income attributable to each party and for recalculation of the child support where the court failed to state an exact amount of gross income it was imputing to the wife, and did not take that amount into consideration, although it properly included the husband's bonuses, which were regular and continuous, in the calculation of his income; without pinpointing the amount of income capable of being earned by each party and determining the presumptive amount of child support from the tables, a reviewing court could not determine whether the amount awarded varied more than five percent from the guidelines amount, which would require the trial court to provide written reasons for a deviation. *Shrove v. Shrove, 724 So. 2d 679, 1999 Fla. App. LEXIS 356, 24 Fla. L. Weekly D 237 (Fla. Dist. Ct. App. 4th Dist. 1999).*

392. Under *Fla. Stat. ch. 61.30(8)*, health insurance costs for children must be added to the basic obligation and then any money prepaid by the non-custodial parent should be deducted from that parent's child support obligation. *Daley v. Daley, 714 So. 2d 614, 1998 Fla. App. LEXIS 9122, 23 Fla. L. Weekly D 1706 (Fla. Dist. Ct. App. 4th Dist. 1998).*

393. In a divorce case, the trial court erred by not determining the wife's alimony prior to determining the amount of child support pursuant to the requirements of *Fla. Stat. ch. 61.30(2)(a)*9. *Cornett v. Cornett, 713 So. 2d 1083, 1998 Fla. App. LEXIS 8518, 23 Fla. L. Weekly 1681, 23 Fla. L. Weekly D 1681 (Fla. Dist. Ct. App. 2d Dist. 1998).*

394. Trial court's imputation of income to a father to determine a child support obligation under *Fla. Stat. ch. 61.30(2)(b)* was improper where the income imputed to the father was not supported by the record as required by ch. 6130(2)(b) and was contrary to the testimony presented by the father's expert and the mother's expert. *Stein v. Stein, 701 So. 2d 381, 1997 Fla. App. LEXIS 12281, 22 Fla. L. Weekly D 2542 (Fla. Dist. Ct. App. 4th Dist. 1997).*

395. Finding that husband had the ability to earn income and had voluntarily committed himself to no income was improper because the court failed to impute any income to him in calculating the child support obligation, as required by *Fla. Stat. ch. 61.30(2)(b). Stelk v. Stelk, 699 So. 2d 811, 1997 Fla. App. LEXIS 10746, 22 Fla. L. Weekly D 2290 (Fla. Dist. Ct. App. 1st Dist. 1997).*

396. Under *Fla. Stat. ch. 61.076(1)* all funds accrued during a marriage in retirement plans were marital assets subject to equitable distribution and *Fla. Stat. ch. 61.30(2)(a)(7)* required retirement payments to be included as gross income in determining child support obligations. *Siegel v. Siegel, 700 So. 2d 414, 1997 Fla. App. LEXIS 10721, 22 Fla. L. Weekly D 2249 (Fla. Dist. Ct. App. 4th Dist. 1997).*

397. For calculations of spousal support and child support, *Fla. Stat. ch. 61.30(2)(a)*13 requires inclusion of in-kind contributions in the calculation of gross income, not net income. *Jones v. Jones, 679 So. 2d 1270, 1996 Fla. App. LEXIS 9767, 21 Fla. L. Weekly D 2082 (Fla. Dist. Ct. App. 2d Dist. 1996).*

398. Under *Fla. Stat. ch. 61.30(1)*, the trial court erred in decreasing the amount of rehabilitative alimony that a wife was to receive from her former husband because it failed to explain in writing why it reduced the amount of the wife's alimony by one-half. *Esfahani v. Esfahani, 676 So. 2d 527, 1996 Fla. App. LEXIS 7587, 21 Fla. L. Weekly D 1648 (Fla. Dist. Ct. App. 4th Dist. 1996).*

399. A trial court's denial of alimony and downward deviation from child support guidelines was reversed and remanded where there were no specific findings of fact in support of the denial of alimony or the downward deviation from child support guidelines. *Reynolds v. Reynolds, 668 So. 2d 245, 1996 Fla. App. LEXIS 1155, 21 Fla. L. Weekly D 424 (Fla. Dist. Ct. App. 1st Dist. 1996).*

400. In calculating a wife's alimony, trial court erred in imputing to the wife the income she would have received had it not been for her illness and her husband's addictions, under *Fla. Stat. ch. 61.30(2)(b)*, because these were both circumstances beyond her control, and in refusing to deduct federal income taxes from her gross monthly income from

disability, under *Fla. Stat. ch. 61.30(3)(a)*, because her disability income was subject to federal taxation. *Huntley v. Huntley, 578 So. 2d 890, 1991 Fla. App. LEXIS 4088, 16 Fla. L. Weekly D 1193 (Fla. Dist. Ct. App. 1st Dist. 1991).*

401. Determination of child support and alimony was within the sound discretion of the trial court, subject to the statutory guidelines and the test of reasonableness as set forth in *Fla. Stat. ch. 61.30*; however, before the court can impose financial obligations upon a spouse, it must determine that he or she has the ability to pay the obligations imposed. *Scapin v. Scapin, 547 So. 2d 1012, 1989 Fla. App. LEXIS 4753, 14 Fla. L. Weekly 1917 (Fla. Dist. Ct. App. 1st Dist. 1989).*

402. Trial court erred in determining, as a matter of law, that the accounts receivable in a husband's medical practice could not be included in the valuation of his marital assets for purposes of equitable distribution during a dissolution of marriage proceeding, and remand was necessary in order to include the net value of those receivables in calculating the value of the medical practice pursuant to *Fla. Stat. ch. 61.075*; payments representing automobile lease payments and auto insurance, as well as health, dental, and life insurance paid by the husband's medical practice on his behalf were to be considered as income to the husband pursuant to *Fla. Stat. ch. 61.30(2)(a)(13). Layeni v. Layeni, 843 So. 2d 295, 2003 Fla. App. LEXIS 2421, 28 Fla. L. Weekly D 585 (Fla. Dist. Ct. App. 5th Dist. 2003).*

403. In dissolution action, where trial court ordered exclusive use of residence to former wife as a form of child support, the determination of the home's fair rental value became relevant; whatever the fair rental value of the property might be, the former wife's monthly living expenses were reduced by that sum because *Fla. Stat. ch. 61.30(2)(a)*13 mandates that this financial benefit be considered in the calculation of her gross income. *Bryan v. Bryan, 765 So. 2d 829, 2000 Fla. App. LEXIS 10323, 25 Fla. L. Weekly D 1929 (Fla. Dist. Ct. App. 1st Dist. 2000).*

404. In calculating child support payments after dissolution of marriage, the amount of money that a spouse may be expected to earn from the assets she will acquire by way of equitable distribution should normally be included. *Cummings v. Cummings, 719 So. 2d 948, 1998 Fla. App. LEXIS 12438, 23 Fla. L. Weekly D 2261 (Fla. Dist. Ct. App. 4th Dist. 1998).*

405. The trial court was not required to attribute income from future assets to the wife under *Fla. Stat. ch. 61.30(2)* where the wife was not assured of having the assets at her disposal to earn income because the payments were to be made in three future installments, and the wife would receive a judgment for the unpaid amounts if they were not paid. *Cummings v. Cummings, 719 So. 2d 948, 1998 Fla. App. LEXIS 12438, 23 Fla. L. Weekly D 2261 (Fla. Dist. Ct. App. 4th Dist. 1998).*

406. In a dissolution of marriage proceeding, the trial court did not err when it did not include the husband's Schedule K-1 income in calculating husband's gross income because husband's employer retained the income for purposes of building the business and keeping it going. *McHugh v. McHugh, 702 So. 2d 639, 1997 Fla. App. LEXIS 14499, 23 Fla. L. Weekly D 82 (Fla. Dist. Ct. App. 4th Dist. 1997).*

407. Income should be imputed to a spouse only if that spouse's unemployment is voluntary. *Lewis v. Lewis, 665 So. 2d 322, 1995 Fla. App. LEXIS 13013, 21 Fla. L. Weekly D 43 (Fla. Dist. Ct. App. 4th Dist. 1995).*

408. Where wife agreed to receive a second mortgage from her ex-husband representing her one-half interest in the marital residence, the interest portion of the mortgage payment received through this equitable distribution scheme did not qualify as interest income within the meaning of the child support guidelines, specifically *Fla. Stat. ch. 61.30(2)(a)*10. *Fast v. Fast, 654 So. 2d 958, 1995 Fla. App. LEXIS 3487, 20 Fla. L. Weekly D 826 (Fla. Dist. Ct. App. 4th Dist. 1995)*, review denied by *663 So. 2d 630, 1995 Fla. LEXIS 1812 (Fla. 1995).*

409. Court may award exclusive possession of a jointly owned marital home to the custodial parent as an incident of the other party's child support obligation. This authority does not extend to nonmarital real property absent a finding pursuant to *Fla. Stat. ch. 61.30(13) (2000)* that the noncustodial parent's recurring income is insufficient to meet his

child support obligation. *Mitchell v. Mitchell, 841 So. 2d 564, 2003 Fla. App. LEXIS 3362, 28 Fla. L. Weekly D 714 (Fla. Dist. Ct. App. 2d Dist. 2003),* review dismissed by *846 So. 2d 1148, 2003 Fla. LEXIS 910 (Fla. 2003).*

410. In dissolution action, where trial court ordered exclusive use of residence to former wife as a form of child support, the determination of the home's fair rental value became relevant; whatever the fair rental value of the property might be, the former wife's monthly living expenses were reduced by that sum because *Fla. Stat. ch. 61.30(2)(a)*13 mandates that this financial benefit be considered in the calculation of her gross income. *Bryan v. Bryan, 765 So. 2d 829, 2000 Fla. App. LEXIS 10323, 25 Fla. L. Weekly D 1929 (Fla. Dist. Ct. App. 1st Dist. 2000).*

411. *Fla. Stat. ch. 61.30(2)(a)*13 should be interpreted to include payments reimbursed by another, not payments made by a spouse as part of his or her obligation to maintain jointly-held property. *Hanley v. Hanley, 734 So. 2d 529, 1999 Fla. App. LEXIS 6816, 24 Fla. L. Weekly D 1257 (Fla. Dist. Ct. App. 4th Dist. 1999).*

412. In a marriage dissolution action, the court's equitable distribution of marital property and award of child support were reversed because the final judgment order was not supported by any specific factual findings, as required by *Fla. Stat. ch. 61.075(3)*; furthermore, the court had deviated from the child support guidelines but did not state the specific findings on the record explaining why a guideline amount would have been inappropriate, as required by *Fla. Stat. ch. 61.30(1)(a). Wilcox v. Wilcox, 729 So. 2d 506, 1999 Fla. App. LEXIS 4341, 24 Fla. L. Weekly D 930 (Fla. Dist. Ct. App. 2d Dist. 1999).*

413. Court may award exclusive possession of a jointly owned marital home to the custodial parent as an incident of the other party's child support obligation. This authority does not extend to nonmarital real property absent a finding pursuant to *Fla. Stat. ch. 61.30(13) (2000)* that the noncustodial parent's recurring income is insufficient to meet his child support obligation. *Mitchell v. Mitchell, 841 So. 2d 564, 2003 Fla. App. LEXIS 3362, 28 Fla. L. Weekly D 714 (Fla. Dist. Ct. App. 2d Dist. 2003),* review dismissed by *846 So. 2d 1148, 2003 Fla. LEXIS 910 (Fla. 2003).*

414. Former wife's use of her husband's separately owned house as a form of child support was appropriate so long as trial court set forth written findings of valuation of whether child support deviated from guidelines; pursuant to *Fla. Stat. ch. 61.30*, the trial court could order child support to be paid from nonrecurring income or assets. *Dyer v. Dyer, 658 So. 2d 148, 1995 Fla. App. LEXIS 7431, 20 Fla. L. Weekly D 1599 (Fla. Dist. Ct. App. 4th Dist. 1995).*

415. Where a legal guardian of the property of a child had been appointed in accordance with Fla. Stat. ch. 744, the trial court had authority to require that a portion of a child support award that was not needed for the child's immediate custodial maintenance be paid to the guardian. *Finley v. Scott, 707 So. 2d 1112, 1998 Fla. LEXIS 83, 23 Fla. L. Weekly S 51 (Fla. 1998).*

416. Action seeking a determination that an ex-wife was misusing child support payments was a matter that should have been decided by the family court pursuant to *Fla. Stat. ch. 61.30(1)(a)* only after such a determination was it appropriate for the husband to seek the appointment of a guardian for the funds in probate court. *Rico-Perez v. Rico-Perez, 734 So. 2d 1177, 1999 Fla. App. LEXIS 8328, 24 Fla. L. Weekly D 1446 (Fla. Dist. Ct. App. 3d Dist. 1999),* review denied by *744 So. 2d 456, 1999 Fla. LEXIS 2008 (Fla. 1999).*

417. After the trial court appropriated the property of the husband and wife and determined child support in a divorce proceeding, the trial court was required to issue findings of fact to substantiate the variance under *Fla. Stat. ch. 61.30(1)(a)* where the husband's child support obligation included one-half of the cost of keeping the children's horses and the total exceeded the guidelines by more than five percent. *Stock v. Stock, 693 So. 2d 1080, 1997 Fla. App. LEXIS 5387, 22 Fla. L. Weekly D 1256 (Fla. Dist. Ct. App. 2d Dist. 1997).*

418. Prior to father's drug conviction, the father earned a sufficient sum of money from legitimate employment to support an award of child support. As all available assets are used in determining whether father had the ability to pay child support pursuant to *Fla. Stat. ch. 61.30(2)(b)*, the award was proper. *Held v. Held, 617 So. 2d 358, 1993 Fla. App. LEXIS 4155, 18 Fla. L. Weekly D 965 (Fla. Dist. Ct. App. 4th Dist. 1993).*

419. In paternity suits, the trial court should award retroactive child support to the date of the child's birth. *Rodgers v. Diederichsen, 820 So. 2d 362, 2002 Fla. App. LEXIS 6539, 27 Fla. L. Weekly D 1115 (Fla. Dist. Ct. App. 1st Dist. 2002).*

420. Although mother's petition for modification of a child support order was filed before the 1991 amendment to the child support guidelines under *Fla. Stat. ch. 61.30* took effect, the amendment was a remedial statute, and was thus applicable to proceedings that were pending when the law took effect. *Reed v. Reed, 597 So. 2d 936, 1992 Fla. App. LEXIS 5153, 17 Fla. L. Weekly D 1143 (Fla. Dist. Ct. App. 1st Dist. 1992).*

421. *Fla. Stat. ch. 61.30(11)(b)*10 is remedial legislation that can be retroactively applied since the amendment furthers the remedy or confirms the rights already established in ch. 61.30. *Jensen v. Jensen, 824 So. 2d 315, 2002 Fla. App. LEXIS 12362, 27 Fla. L. Weekly D 1923 (Fla. Dist. Ct. App. 1st Dist. 2002),* review denied by *842 So. 2d 844, 2003 Fla. LEXIS 567 (Fla. 2003).*

422. Neither *Fla. Stat. ch. 61.30(17)* nor the 1998 amendment to ch. 61.30(17) applied retroactively to a paternity proceeding that awarded child support retroactive to the date of the child's birth because the proceedings were pending when ch. 61.30(17) became effective. *Horn v. Department of Revenue Ex Rel. Abel, 752 So. 2d 687, 2000 Fla. App. LEXIS 1035, 25 Fla. L. Weekly D 361 (Fla. Dist. Ct. App. 3d Dist. 2000).*

423. Because the amendment to *Fla. Stat. ch. § 61.30(17)* was not remedial, but was substantive, it could not be applied retroactively to appellant's petition for review of a past child support obligation, therefore appellant's child support obligation was affirmed. *Mcmillian v. Department of Revenue Ex Rel. Searles, 746 So. 2d 1234, 1999 Fla. App. LEXIS 17301, 25 Fla. L. Weekly D 41 (Fla. Dist. Ct. App. 1st Dist. 1999).*

424. Although mother's petition for modification of a child support order was filed before the 1991 amendment to the child support guidelines under *Fla. Stat. ch. 61.30* took effect, the amendment was a remedial statute, and was thus applicable to proceedings that were pending when the law took effect. *Reed v. Reed, 597 So. 2d 936, 1992 Fla. App. LEXIS 5153, 17 Fla. L. Weekly D 1143 (Fla. Dist. Ct. App. 1st Dist. 1992).*

425. 2001 Fla. Laws ch. 158, § 15, *Fla. Stat. ch. 61.30(11)(b)(10)* is effective July 1, 2001. *Sichewski v. Sichewski, 862 So. 2d 850, 2003 Fla. App. LEXIS 18722, 28 Fla. L. Weekly D 2851 (Fla. Dist. Ct. App. 4th Dist. 2003).*

426. This section applies to child support which has been established by agreement, as well as child support which has been court ordered. *Jacobs v. Jacobs, 868 So. 2d 568, 2004 Fla. App. LEXIS 1344, 29 Fla. L. Weekly D 371 (Fla. Dist. Ct. App. 3d Dist. 2004).*

427. Because a general provision must be taken to affect only such cases as are not within the terms of a particular provision, the exclusion of Veteran's Administration disability benefits by the general definition of "income" in *Fla.*

Stat. ch. 61.046 has been overridden by the later-enacted, and more specific, *Fla. Stat. ch. 61.30(2)(a)*4. *Fletcher v. Fletcher, 573 So. 2d 941, 1991 Fla. App. LEXIS 423, 16 Fla. L. Weekly D 206 (Fla. Dist. Ct. App. 1st Dist. 1991).*

428. Trial court had the discretion under *Fla. Stat. ch. 61.30(i)* to order a wife to execute a waiver of income tax dependency exemption and to grant a husband's petition because he was the non-custodial parent and he was current on his support payments. *Harris v. Harris, 760 So. 2d 152, 2000 Fla. App. LEXIS 82, 25 Fla. L. Weekly D 107 (Fla. Dist. Ct. App. 2d Dist. 2000).*

429. *Fla. Stat. ch. 61.30(i)* gives a trial court discretion to order a custodial parent to execute a release of a claim for income tax deduction. *Harris v. Harris, 760 So. 2d 152, 2000 Fla. App. LEXIS 82, 25 Fla. L. Weekly D 107 (Fla. Dist. Ct. App. 2d Dist. 2000).*

430. Father was liable to pay from a workers' compensation settlement the sum of $25,593 in child support arrearages and interest because the father's child support obligation was not a debt or a claim of a creditor and, the interest constituted payment to the children for the loss of the unpaid obligation; the benefits of workers' compensation were intended to relieve the father and his children from the economic stress resulting from the father's injury and, for that reason, his workers' compensation benefits were included within the definition of gross income for the calculation of child support under *Fla. Stat. ch. 61.30(2)(a)(5). Bryant v. Bryant, 621 So. 2d 574, 1993 Fla. App. LEXIS 7656, 18 Fla. L. Weekly D 1658 (Fla. Dist. Ct. App. 2d Dist. 1993).*

TREATISES AND ANALYTICAL MATERIALS

1. *2-24 Florida Civil Procedure § 24-3*, Chapter 24 JUDGMENTS AND POST-TRIAL MOTIONS, FORM OF JUDGMENT, Florida Civil Procedure.

2. *2-30 Florida Civil Procedure § 30-1*, Chapter 30 FAMILY LAW PROCEDURE, INTRODUCTION, Florida Civil Procedure.

3. *2-30 Florida Civil Procedure § 30-9*, Chapter 30 FAMILY LAW PROCEDURE, JUDGMENTS AND ORDERS, Florida Civil Procedure.

4. *2-30 Florida Civil Procedure § 30-11*, Chapter 30 FAMILY LAW PROCEDURE, MODIFICATION OF JUDGMENTS, Florida Civil Procedure.

5. *2-30 Florida Civil Procedure § 30-14*, Chapter 30 FAMILY LAW PROCEDURE, PATERNITY, Florida Civil Procedure.

6. *5-113 Florida Civil Practice Guide § 113.02*, Discretionary and Mandated Findings and Conclusions, Florida Civil Practice Guide

7. *1-3 Florida Family Law § 3.11*, Rights and Obligations Concerning Children, Florida Family Law

8. *1-4 Florida Family Law § 4.05*, Relief Obtainable, Florida Family Law

9. *1-31 Florida Family Law § 31.05*, Criteria for Award of Permanent Periodic or Rehabilitative Alimony, Florida Family Law

10. *2-32 Florida Family Law § 32.30*, Rights and Duties of Primary Residential Custodian and Other Parent, Florida Family Law

11. *2-32 Florida Family Law § 32.40*, In Marital Dissolution Action, Florida Family Law

12. *2-32 Florida Family Law § 32.111*, Action for Shared Parental Responsibility, Florida Family Law

13. *2-33 Florida Family Law § 33.01*, Parents' Duty to Support Child, Florida Family Law

14. *2-33 Florida Family Law § 33.03*, Criteria for Establishing Child Support, Florida Family Law

15. *2-33 Florida Family Law § 33.05*, Judicial Orders Relating to Child Support, Florida Family Law

16. *2-33 Florida Family Law § 33.08*, Administrative Orders Establishing Child Support, Florida Family Law

17. *2-33 Florida Family Law § 33.111*, Determining Amount of Support from Statutory Guidelines, Florida Family Law

18. *2-33 Florida Family Law § 33.112*, Imputed Income, Florida Family Law

19. *2-33 Florida Family Law § 33.117*, Modification of Child Support Order, Florida Family Law

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