

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JESSE LaFOUNTAIN,)
)
 Appellant,)
)
 v.)
)
 SHANNA LaFOUNTAIN,)
)
 Appellee,)
 _____)

Case No. 2D10-2304

Opinion filed February 7, 2014.

Appeal from the Circuit Court for
Pinellas County; Bruce Boyer, Judge.

Jessica C. Tien, Tampa, for Appellant.

Brett Wadsworth, LC, Tampa, for
Appellee.

KELLY, Judge.

Jesse LaFountain, the Former Husband, appeals from the final judgment dissolving his marriage to Shanna LaFountain, the Former Wife. He argues that the trial court erred in awarding the Former Wife the majority of timesharing with the minor child and in calculating child support. Because the trial court's child support calculation is not supported by the record, we reverse that portion of the final judgment and remand for

the trial court to recalculate child support. We affirm the remainder of the final judgment without discussion.

The Former Husband contends the trial court miscalculated the child support award by including a \$275 child care expense on the child support guidelines worksheet. We agree.

Although the Former Wife included a \$275 child care expense in her second amended financial affidavit, at trial she testified as follows:

The Court: So you would like Dad when Dad has the child to pay his own day care for the child?

The Former Wife: Yes.

The Court: But when the child is with you, you don't want Dad to pay for that?

The Former Wife: No. I don't have child care expenses.

The Court: If you do, you don't want Dad to pay, you'll take care of it yourself?

The Former Wife: Sure.

The Court: Okay.

In light of this testimony, we reverse the child support award and remand for recalculation without the \$275 child care expense.

The Former Husband also argues that the trial court erred in finding his monthly gross income to be \$1572 for purposes of calculating retroactive support. Although the final judgment states the Former Husband has a monthly gross income of "approximately \$2000 per month," the evidence showed that this amount varied as he was self-employed. Thus, we find no abuse of discretion in the amount set by the trial court.

Accordingly, we reverse the trial court's award of child support and remand with directions to the trial court to recalculate the Former Husband's current and retroactive child support obligation without the \$275 child care expense. We affirm the final judgment in all other respects.

Affirmed in part, reversed in part, and remanded with directions.

ALTENBERND and LaROSE, JJ., Concur.