

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Dr. Jonathan Frantz v. Jennifer Crawford-Frantz

Frantz · No. 6D2023-2405 · Decided June 27, 2025

SUMMARY

The Sixth District Court of Appeal of Florida reviewed a dissolution-of-marriage judgment awarding retroactive child support. The court held that the calculation improperly included periods when the parties and their child lived together, contrary to section 61.30(17), Florida Statutes. The judgment was affirmed in part, reversed in part, and remanded for recalculation of retroactive child support and any affected payments.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Smith, J.; Mize, J.; Gannam, J.
JURISDICTION	Sixth District Court of Appeal of Florida
DECIDED	June 27, 2025
DOCKET	6D2023-2405
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Former Husband appealed the final judgment dissolving the parties' marriage, challenging, among other matters, the trial court's award of retroactive child support.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Dr. Jonathan Frantz v. Jennifer Crawford-Frantz

TOPICS

- child support
- dissolution of marriage
- statutory interpretation
- appellate procedure
- family law procedure

PRACTICE AREAS

- family law
- child support
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

- Whether the trial court improperly awarded retroactive child support for a period during which the parents and child continued to reside together in the same household.

2. Whether the final judgment should otherwise be affirmed after the remaining appellate issues were resolved or rendered moot by subsequent lower-court rulings.

HOLDINGS

1. Under section 61.30(17), Florida Statutes, retroactive child support may not include any period during which the parents and child resided together in the same household. The award must begin only after the parties and child stopped residing together, subject to the statute's twenty-four-month limitation preceding the filing of the petition.
2. The final judgment is affirmed in all respects other than the retroactive child-support calculation, which is reversed and remanded for correction.

KEY QUOTATIONS

“Based on the plain language of the statute, retroactive child support should not begin until after the parents and child no longer reside together” (2)

“While the statute does give discretion to the trial court in awarding retroactive child support, that discretion is expressly limited to only go back to the point when the parties and child discontinued residing together, and further limited to a timeframe no greater than twenty-four months preceding the date of filing of the petition.” (3)

FACTUAL BACKGROUND

The parties married in 2004 and their child, A.F., was born in 2007. Dr. Frantz filed for dissolution in October 2020, but the parties and A.F. continued living together in the marital residence until the end of March 2021. The trial court's final judgment awarded Jennifer Crawford-Frantz \$110,886 in retroactive child support, using a calculation that included the period during which the parties and child resided together.

PROCEDURAL HISTORY

Former Husband filed a petition for dissolution in October 2020. After a final hearing, the Lee County Circuit Court entered a final judgment on March 17, 2023, awarding Former Wife \$110,886 in retroactive child support. The trial court denied rehearing. During the appeal, the appellate court relinquished jurisdiction at Former Husband's request, and three issues were resolved or rendered moot by subsequent lower-court rulings. The appellate court affirmed the judgment in all other respects, reversed the retroactive child-support calculation, and remanded for recalculation.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Recalculate retroactive child support without including the period during which the parties and A.F. resided together through the end of March 2021. If the recalculation affects other portions of the final judgment,

including current child support or equalization payments, correct those portions as well. The final judgment remains affirmed in all other respects.

CASES CITED

- Khenh Ye Vong v. Chassang, 981 So. 2d 1262, 1263 (Fla. 2d DCA 2008)
- Ditton v. Circelli, 888 So. 2d 161, 162-63 (Fla. 5th DCA 2004)

OPINION

Dr. Jonathan Frantz v. Jennifer Crawford-Frantz

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ Case No. 6D2023-2405 Lower Tribunal No. 21-DR-001576

_____ DR. JONATHAN FRANTZ,

Appellant, v.

JENNIFER CRAWFORD-FRANTZ,

Appellee. _____ Appeal from the Circuit Court for Lee County. Lisa S. Porter, Judge. June 27, 2025 SMITH, J. Jonathan Frantz (“Former Husband”) appeals the final judgment entered on March 17, 2023, in the dissolution of marriage proceedings he initiated against Jennifer Crawford-Frantz (“Former Wife”). His initial brief raised five issues, mostly centering on the trial court’s decisions regarding timesharing of the parties’ child, A.F. Three of those issues have been rendered moot by subsequent rulings of the lower court during the timeframe this Court relinquished jurisdiction at Former Husband’s request, and one of the issues this Court affirms without further discussion. This Court finds merit in Former Husband’s argument on the remaining issue, in which he contends the trial court erred in its award of “retroactive” child support to Former Wife. We have jurisdiction. See Fla. R. App. P. 9.030(b)(1) (a). Because the trial court’s child support calculation improperly failed to exclude time periods in which the parties and their child were still living at the same residence, we reverse and remand for recalculation. The parties married in 2004, and A.F. was born to them in 2007. Some thirteen years later, in October 2020, Former Husband filed a petition for dissolution of marriage. At that time, and until March 2021, the parties and A.F. lived together at the former marital residence. Following the final hearing on the petition for dissolution, the trial court entered a final judgment on March 17, 2023, which, among other things, awarded Former Wife \$110,886.00 in retroactive child support. After unsuccessfully moving for rehearing, Former Husband now asserts on appeal that the final judgment awarded approximately \$50,000 in excess retroactive child support, because the calculation included times the parties and child all resided together. Section 61.30(17), Florida Statutes (2024), provides: 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. Former Husband argues, and Former Wife does not dispute, that the undisputed evidence shows the parties and minor child resided together through the end of March 2021. Based on the plain language of the statute, retroactive child support should not begin until after the parents and child no longer reside together: “[T]he 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[.]” *Id.*; see also *Khenh Ye Vong v. Chassang*, 981 So. 2d 1262, 1263 (Fla. 2d DCA 2008) (holding that under Section 61.30(17) “former husband was not entitled to retroactive child support for the time the parties continued to reside together”); *Ditton v. Circelli*, 888 So. 2d 161, 162-63 (Fla. 5th DCA 2004) (holding the lower court erred in “award[ing] retroactive child support dating back to April 7, 2001, even though the undisputed evidence showed that the parties reconciled and lived together from November 2000 to June 1, 2001”). In her answer brief, Former Wife argues, without citation to any supporting caselaw or statutes, “the trial court had the discretion to order [retroactive child support] back to the date of filing and that is precisely what the court did.” This is simply wrong. While the statute does give discretion to the trial court in awarding retroactive child support, that discretion is expressly limited to only go back to the point when the parties and child discontinued residing together, and further limited to a timeframe no greater than twenty-four months preceding the date of filing of the petition. § 61.30(17), Fla. Stat. Accordingly, this matter is reversed and remanded for recalculation of retroactive child support in an amount which does not include the timeframe during which the parties and minor child resided together through the end of March 2021. The remaining issues raised by the Former Husband have been resolved or rendered moot by the trial court’s rulings issued while jurisdiction was relinquished. Other than correction for recalculation of the retroactive child support as noted above, the final judgment is affirmed in all other respects. AFFIRMED in part; REVERSED in part; and REMANDED with instructions. MIZE and GANNAM, JJ., concur. Barry S. Franklin, of Barry S. Franklin & Associates, P.A., Aventura, for Appellant. J. Christopher Lombardo and Kenneth V. Mundy, of Woodward, Pires & Lombardo, P.A., Naples, for Appellee.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF FILED

1 If recalculation of retroactive child support affects other portions of the final judgment such as the current child support payment or equalization payments, the trial court is directed to correct those as well. 4