

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 162

SPONSOR: Senator Kirkpatrick

SUBJECT: Dependency Mediation Services

DATE: January 22, 1999 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matthews</u>	<u>Johnson</u>	<u>JU</u>	<u>Favorable</u>
2.	<u>Mannelli</u>	<u>Hadi</u>	<u>FP</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

This bill requires each judicial circuit to establish a dependency mediation program and provides for funding from general revenue.

This bill substantially amends section 39.4075 of the Florida Statutes.

## II. Present Situation:

Under current law, a party may request the court to refer the parties in a dependency proceeding to mediation in accordance with chapter 44, F.S., relating to mediation, and with Florida Supreme Court rules and procedures. *See* 39.4075, F.S. This provision only applies to those courts in counties where there is an existing dependency mediation program.

Thirteen of the 20 judicial circuits offer some form of dependency mediation services which actually impact 15 of the 67 counties in Florida. According to the Office of State Courts Administrator, those counties rely on a variety of local, county, state or federal funding sources of which very few are dependable or long-term. Neither agency representatives (e.g., Department of Children and Families) nor volunteer personnel (Guardian Ad Litem) pay for mediation services and most parties involved in dependency proceedings are indigent, therefore the courts are rarely able to assess fees to offset the cost of providing mediation services.

## III. Effect of Proposed Changes:

Section 39.4075, F.S., relating to the referral of dependency cases to mediation, is amended to require each circuit to establish a dependency mediation program. In addition, subsection (3) is amended to provide that funding for the dependency mediation programs must come from general revenue.

This act shall take effect July 1, 1999.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. Other Constitutional Issues:**

Florida voters recently adopted a Constitution Revision Commission amendment to Article V of the Florida Constitution to shift major costs of the Florida's judicial system from the counties to the state. *See* Art. V, § 14, Fla. Const. The amendment provides a phase-in schedule established by general law to be fully effectuated by July 1, 2004. No formal review has yet been made as to what specific judicial areas need to be examined or what judicial expenditures are to be included in the definition of "Article V costs" which would be assumed by the state. No formal study has yet been completed on those judicial resources being provided by each of the 67 counties nor has any determination been made to determine which judicial resources or court services should be made available statewide and otherwise funded by the state. *See* Interim Project Report 98-36, *Utilization of Judicial Resources*, September 1998. Currently, each county draws on different federal, state, county, community or private sector resources to fund its primary judicial resources (direct relief to the judge of a judicial duty) and secondary judicial resources (indirect relief of judicial workload). The adoption of this bill would formally recognize the provision of dependency mediation services as a statewide judicial resource to be funded by the State.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill may have a positive impact on the court and client families by offering an alternative and potentially less costly means of resolving legal matters through mediation.

**C. Government Sector Impact:**

According to the Office of State Courts Administrator, the following fiscal impact is anticipated:

<i>A. Non-recurring or First Year Start-Up Effects</i>				
		<i>Year 99-00</i>	<i>Year 00-01</i>	<i>Year 01-02</i>
Revenues:		-0-	-0-	-0-
Expenditures	General Revenue: Operating Capital Outlay <u>Expenses</u> TOTAL:	\$91,200 \$45,576 \$136,776		
<i>B. Recurring or Annualized Continuation Effects</i>				
Revenues:		-0-	-0-	-0-
Expenditures	General Revenue: Salaries & Benefits (FTE 23.5) <sup>1</sup> OPS (Contract Services) <sup>2</sup> <u>Expenses</u> TOTAL	\$646,173, \$593,400 <u>\$91,200</u> \$1,330,773	\$861,564 \$623,070 <u>\$91,200</u> \$1,575,834	\$861,564 \$654,223 <u>\$91,200</u> \$1,606,990
<i>C. Appropriation Consequences</i>				
	General Revenue	(\$1,467,549)	(\$1,575,834)	(\$1,606,164)

To the extent that mediation is successful in preventing cases from going to trial, the costs of adding dependency mediation staff may be offset by savings in trial expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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<sup>1</sup>To handle case coordination and scheduling, positions are based on a funding formula of 1.0 FTE position for every 400 new petitions filed in single county circuits, and 1.0 FTE position for every 150 new petitions filed in multiple county circuits for a total of 23.50 FTEs. Petition filing data is based on 1997 filing (3,956) and assumes a conservative 5% increase in filings for Years 00-01 and 01-02. Administrative Assistant Class I will also be needed. Standard amounts for operating capital outlay and expenses with new positions are included below. Possible future pay increases and cost-of-living allowances are not considered.

<sup>2</sup>OPS funds are needed to provide for contract mediators to mediate new filings at \$150 per case.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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