

STORAGE NAME: h2165.flc

DATE: April 12, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
FAMILY LAW AND CHILDREN
ANALYSIS**

BILL #: HB 2165

RELATING TO: Child Support Guidelines

SPONSOR(S): The Committee on Family Law and Children and Representative Roberts

COMPANION BILL(S): SB 1470

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) FAMILY LAW AND CHILDREN YEAS 5 NAYS 0
- (2) Governmental Operations
- (3) General Government Appropriations
- (4)
- (5)

I. SUMMARY:

The bill amends s. 61.30, Florida Statutes, related to numerous provisions regarding child support including:

- a definition of "rotating custody";
- determination, apportionment, and adjustment of a parent's child support obligation;
- factors to consider when adjusting child support payments from the guideline amounts;
- the addition of other grounds as the basis for adjustment of a child support obligation;
- the presumption relating to an adult parent's ability to work; and
- issues involving health insurance costs and noncovered medical and dental expenses.

The bill conforms language and references in ss. 61.13, 61.14, 409.2564, 741.0306, and 794.05, Florida Statutes.

The bill provides for the creation of a Child Support Study Commission, sets forth the membership, provides for administrative assistance and support from the Office of the State Courts Administrator, provides duties, and requires a report to the Governor, Legislature, and Chief Justice no later than November 15, 2000.

There is an appropriation to the Office of the State Courts Administrator to fund the Child Support Study Commission.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Imputing Income

Most states provide for the court or administrative agency to impute income in cases where a parent is voluntarily unemployed or underemployed and some states also allow imputation of income where there is no available evidence of the party's income. An amount at least equal to minimum wage at 40 hours per week is a common standard in these cases. The guidelines of many states have come to require that the court must consider work history, education, and the ability of a party to find a job in the relevant market when imputing income. Section 61.30(2)(b), Florida Statutes, provides for the imputation of income to an unemployed or underemployed parent under certain specified circumstances. The statute does not provide a threshold or standard when evidence of income is incomplete or unavailable.

Child Support Guideline Amounts

The child support guidelines of all states are based on certain assumptions about economic expenditures in the average intact family. These assumptions are derived from statistical information gathered by a number of federal and state agencies related to the average cost of raising average children.

The child support guidelines used by states must be based on economic data related to the cost of raising children. Federal law [45 C.F.R. 302.56(h)] provides:

As part of the review of a State's guidelines required under paragraph (e) of this section, a State must consider economic data of the cost of raising children and analyze case data, gathered through sampling or other methods on the application of, and deviations from the guidelines. The analysis of the data must be used in the State's review of the guidelines to ensure that deviations from the guidelines are limited.

There are currently three basic child support guideline models used by states:

- **Percentage of Income Model** - sets the child support award as a percentage of the noncustodial parent's income. The custodial parent's income is not numerically factored into calculating the award. The award can be based on either gross or net income, and the rates can be constant across income levels or vary.
- **Income Shares Model** - is based on the principle that a child should receive the same proportion of parental income that would have been received by the child if the parents lived together. In intact households, the income of both parents is usually pooled and spent for the benefit of all family members, including the children. Therefore, the income shares model calculates support as the share of each parent's income estimated to have been allocated to the child(ren) if the parents and the child were living in the same household. Florida is an income shares model state.
- **Melson Formula Model** - was developed by a Delaware judge and is a more complex version of the Income Shares Model. The model also reflects several public policy statements:

(a)The support of others is not possible unless one's own basic needs of support are met.

(b)Further enhancement of the economic status should not be allowed until the parents together and in proportion to their incomes, meet the basic poverty level needs of their children.

(c)Parents should share their additional incomes with their children so that the standard of living of the children will improve as the standard of living of the parents improves.

Economic data provides the basis of the economic elements of all three guideline models, that is, the percentages for the Percentage of Income Model; the schedules of support for the Income Shares Model; and the primary support levels and standard of living percentage for the Melson Formula Model.

When states first began adopting guidelines in the late 1980's, the most commonly used economic data underlying state child support guidelines was the result of work done by Thomas Espenshade. This research was subsequently adopted by Dr. Robert Williams and was updated by Dr. David Betson for the federal Office of Child Support Enforcement in 1990. As states have revised their guidelines during the past ten years, some have begun to use economic data from other sources. There are states that use the annual reports from the United States Department of Agriculture that are based in part on the Consumer Expenditure Survey from the Bureau of Labor Statistics in the United States Department of Labor. The primary advantage of the Agriculture studies, outside of using more recent data, is that these studies looked at spending on children in single-parent homes as well as in intact families. The earlier studies focused on spending patterns related to raising children in intact families only.

Other states have used data from other sources to formulate child support guidelines. The Kansas child support guidelines, for example, are derived from an economic model initially developed by an economics professor at Wichita State University in 1987. They were updated in 1989 and then adjusted once again in 1993. The Kansas Supreme Court is currently considering a recommendation from the Court's advisory committee on guidelines for a comprehensive study of the costs of raising children in a one-household vs. two-household setting in Kansas. Estimated cost for the study would be between \$500,000 and \$1 million.

Florida, like many other states, has relied on economic updates provided to the Legislature by Dr. Robert Williams of Policy Studies, Inc. in Denver, Colorado. The 1997 update cost the State of Florida \$7,500. Legislation to implement the updated economic information stalled in the Committee on Family Law and Children during the 1998 legislative session.

Visitation/Custody Arrangements

One of many variables in determining the proper amount of child support is the type of custody arrangement ordered by the court. In situations where the parents are granted shared physical custody, each parent is directly paying for a portion of the child's expenses. Each parent must pay what are usually referred to as "redundant costs". Redundant costs are those fixed expenses that both parents must pay including a bedroom for the child, furniture, toys, housing expenses and utilities. This does not mean, however, that for every dollar paid by the noncustodial parent, the expenses of the custodial parent decrease by the same amount. The total expenditures by both parents actually increase.

While it is reasonable that there should be some adjustment to the amount of the child support award in cases of shared physical custody, it is difficult to determine just how much that adjustment should be. States are varied in their approach to awards that involve the issue of shared physical custody. In Florida it has been argued that the child support guidelines do not adequately provide for cases in which the secondary residential parent spends a considerable amount of time with the child(ren). Neither do the Florida guidelines provide a baseline for the amount of time the child(ren) spend with the secondary residential parent.

Section 61.30(11)(g), Florida Statutes, allows the court to adjust the minimum award based on:

The particular shared parental arrangement, such as where the children spend a substantial amount of their time with the secondary residential parent thereby reducing the financial expenditures incurred by the primary residential parent, or the refusal of the secondary residential parent to become involved in the activities of the child, or giving due consideration to the primary residential parent's homemaking services. If a child has visitation with a noncustodial parent for more than 28 consecutive days the court may reduce the amount of support paid to the custodial parent during the time of visitation not to exceed 50 percent of the amount awarded.

Low Income Payors

The case of the low income parent, like the case of the high-income parent, presents additional concerns when determining child support awards. There are public policy reasons for establishing a child support obligation even where incomes are at or below the poverty level. A minimum payment would serve to provide a baseline for future increases in payment ability and might

encourage the payor to recognize the importance and necessity of supporting his or her children. States have typically taken one of three approaches in cases with low income parents:

- **Minimum Presumptive Amount** - under this approach, when income is below the poverty level, the guidelines will presume that an award of \$50 per month per child is the appropriate award. As in any other case, the amount of this award can be rebutted downward.
- **Mandatory Minimum Amount** - this approach requires that an absolute mandatory minimum award must be made. This amount is usually between \$20 and \$50 and there can be no downward deviation from this amount.
- **Common Law Inquiry into Ability of Parent to Pay** - under this approach, the amount of support to be awarded is left to the discretion of the court, without any presumptive amount being stated.

Section 61.30(6) provides that for combined monthly available income less than the amount on the schedules (\$650), the parent should be ordered to pay an amount of child support that is to be determined on a case-by-case basis. This is to establish the principle of payment and set the basis for increased orders should the income of the parents increase in the future.

Child Support and Settlement Agreements

The courts encourage settlement in dissolution of marriage cases for a number of reasons. Settlements reduce contested litigation and parties who structure their own agreements are more likely to be satisfied with the outcome and perhaps less likely to return to court. The majority of dissolution of marriage cases do settle. Federal law [42 U.S.C. s. 667(b)] related to child support guidelines requires that there is a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of such guidelines is the correct amount of child support to be awarded.

States vary in their interpretation of this provision as it relates to voluntary settlements. Some states have taken the position that voluntary settlements do not have to be reviewed against the guidelines since the parties have agreed to any deviation. Other states have determined that voluntary settlements must be approved by the court which is a judicial proceeding and therefore the guidelines must be used.

The federal regulations do not address the issue directly, but it is addressed in the commentary accompanying the rule's original publication. The Federal Register [56 Fed. Reg. 22,347-8 (May 15, 1991)] provides:

We do not believe that support orders entered as a result of stipulated agreements are, or should be, excluded from the requirements of paragraphs (f) and (g)[of the regulations]. The State's guidelines must be a rebuttable presumption in any award of child support in the State. That includes support obligations ordered by the court or administrative authority as a result of stipulated agreements reached by the parties. . . . Since the amount indicated under the guidelines must be a rebuttable presumption in any child support order, most obligations reached through stipulated agreements should be in the amount specified under the guidelines. . . . In addition, a statement by the parties that they were fully informed of their rights, that they were not coerced into the agreement, or that the children's needs will be adequately met does not satisfy the statutory requirement that guidelines must apply to all orders entered in the State and that the amount indicated by the guidelines must be a rebuttable presumption in ordering support.

This language is interpreted to mean that state courts or administrative authorities must review stipulated agreements for child support orders against the guidelines and, if inconsistent, must approve the deviation and specify findings.

Child Support Study Commission

There is currently no study commission, task force, or related group established to specifically review issues related to child support guidelines. The Family Support Act of 1988 requires states to review their child support guidelines at least once every four years in order to ensure that their

application results in child support award amounts that are appropriate. As a part of that review process, federal regulations also require states to analyze case data related to the application of, and deviations from, the guidelines. In addition, states must consider economic data related to the cost of raising children. Beyond these federal requirements, states have broad discretion and latitude in conducting guideline reviews.

In a study done in 1994 for the federal Office of Child Support Enforcement, it was suggested that:

The entity conducting the review should either have the authority to change the guidelines, or is designated as the review entity by the governmental branch that has such authority. For example, if the guidelines are promulgated by the state supreme court, then the reviewing entity should be a committee or commission established by the supreme court. If the guidelines are legislative, presumably the Legislature should establish a legislative committee or Commission, or delegate the review role to the Executive Branch.

States have reported varying experiences with the guidelines review process. In some states the review entity has solicited input from others, such as expert consultants and advisory subcommittees. Many states hold public hearings to obtain diverse perspectives. In an extensive report prepared by the American Bar Association's Center on Children and the Law, it was noted that:

the makeup of the review body was not as significant a factor in the quality of the review as **the time and resources committed to the effort. Also key was the receptivity of the responsible state authority to the reviewer's recommendations. In some cases, the responsible bodies rejected recommended changes.**

Florida has had two experiences with "child support study commissions or task forces" since 1984. Both endeavors appear to bear out the above findings. Then Governor Bob Graham established the Florida State Commission on Child Support by Executive Order Number 84-226 on November 30, 1984. Twenty-five members were appointed that included legislators, jurists, attorneys, custodial and noncustodial parents, state attorneys, clerks of court and other local public officials, public administrators, and other citizens with an interest in issues related to child support.

The Commission was formally organized in February, 1985 and began its work. Public hearings were noticed and held in nine cities throughout the state. The more than one hundred witnesses who appeared before the Commission included custodial and noncustodial parents, grandparents and other family members, public officials, attorneys, law enforcement officers, judges, and special interest groups involved in or affected by problems related to child support. In addition to obtaining public input, Commission members were organized into task groups that worked to define issues, conduct research, and formulate policy recommendations. The findings of the task groups were used as the basis for decisions of the Commission as a whole, conflicting viewpoints were resolved by a vote, and the Commission summarized its work in a final report issued on September 30, 1985.

It took the Legislature years to implement some of the recommendations of the Commission. A number of the recommendations were never adopted. Many of the recommendations of the Commission became mandated by the federal government and the state subsequently complied.

In 1986, the Supreme Court created the State Study Commission on Child Support Enforcement. There were fourteen members and the group was chaired by Justice Rosemary Barkett. A copy of the final report cannot be located and a member of the Commission reported that the Legislature neither considered nor adopted any of the Commission's recommendations.

The mandated child support guideline reviews in 1993 and 1997 were conducted by staff of the House of Representatives Judiciary Committee. Staff of the House Family Law and Children Committee is currently working on a substantial review of guidelines issues with a report and recommendations due to be released before the 2000 legislative session.

B. EFFECT OF PROPOSED CHANGES:

Imputing Income

The bill amends s. 61.30(2)(b), Florida Statutes, to provide the presumption that an adult parent who is not unable to work due to disability and who is legally present in the United States has the present ability to earn income of at least the minimum wage for 35 hours per week.

Child Support Guideline Amounts

The newly created Child Support Study Commission is to analyze and make findings and recommendations related to the advisability of continuing with the current income-shares concept based on an in-depth review of the current system.

Visitation/Custody Arrangements

Amends s. 61.30(11)(g), Florida Statutes, to clarify that the schedules in subsection (6) were developed based on the cost of raising a child in an intact family.

Low Income Payors

The bill amends s. 61.30(11), Florida Statutes, to provide the court may deviate from the schedule:

- when a parent's income is below the federal poverty guidelines and the amount of the child support award attributed to the parent requires a payment of more than 50 percent of his or her net income for an obligation for current support resulting from a single support order.
- when a parent's income is below the federal poverty guidelines and the amount of the child support award attributed to the parent requires a payment of more than 40 percent of his or her net income for an obligation for current support resulting from multiple obligations.

Child Support and Settlement Agreement

This bill clarifies that child support amounts in voluntary settlement agreements must be reviewed by the court to determine whether it is the presumed child support award amount as required by the federal government.

Child Support Study Commission

The bill provides for the creation of a Child Support Study Commission comprised of 20 members to analyze and make findings and recommendations regarding the advisability of continuing with the current income-shares child support guidelines model, the possibility of consolidating various child support statutes into one general section in chapter 61, Florida Statutes, and statutory changes that will clarify and simplify the substance and the procedures of chapter 61, Florida Statutes, as well as any other changes necessary to improve the administration of the child support provisions of Florida law.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

It may, since it will change the amounts of child support awards in some instances.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 61.046, 61.13, 61.14, 61.30, 409.2564, 741.0306, and 794.05 Florida Statutes.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 61.046, Florida Statutes, 1998 Supplement, to provide a definition for "rotating custody".

Section 2. Amends s. 61.30, Florida Statutes, 1998 Supplement, to provide the following:

- Creates definitions for the terms, "basic obligation of the parents", combined presumed child support amount", "parent's presumed child support amount", and "total child support obligation", and replaces existing terminology with the new definitions where appropriate;
- Relocates a set of relevant factors to be considered by the court if deviating from the guideline amount to s. 61.30(12)(m). This provides that all factors that would justify a deviation from the guideline amount will be located in one place in the statutes;
- For the purpose of imputing income, creates a rebuttable presumption that an adult parent who is legally present in the United States and is not unable to work because of disability has the present ability to earn at least minimum wage for 35 hours a week;
- Clarifies that amounts withheld for income tax that exceed the amount necessary to pay taxes owed shall not be deducted from gross income;
- Replaces the term "moneys prepaid" with the term "direct payments made" as related to child care costs and health insurance costs. This clarifies that the noncustodial parent is to be given credit for direct payments associated with these costs;
- Provides that the court may apportion payments for health insurance among the various child support obligations when there are children from more than one relationship covered by the same health insurance;
- Clarifies that the court may adjust either the combined presumed child support amount or the presumed child support amount for either or both parents based upon the statutory factors;
- Clarifies that the schedules provided in s. 61.30, Florida Statutes, were developed considering factors such as the cost of raising a child in an intact family;
- Provides that the court may deviate from the presumed child support amount when a parent's income is below the federal poverty guidelines and the parent's presumed child support amount requires that parent to pay another person:
 - more than 50 percent of his or her net income for a child support obligation for current support resulting from a single support order; or
 - more than 40 percent of his or her net income for a child support obligation for current support when there are multiple support obligations; and
- Provides that the court shall review child support obligations that are part of a settlement agreement to determine whether it provides for the parent's presumed child support amount. If there is a deviation, the court shall determine whether the deviation is justified based on the statutory factors. If it is not justified, the court shall not approve the agreement of the parents.

Section 3. Amends s. 61.13, Florida Statutes, 1998 Supplement, to provide that the court may order that noncovered medical, dental, and prescription medication expenses of the minor children be apportioned between the parents. It also clarifies that the court has jurisdiction to modify the amount and terms and conditions of child support payments when there is an involuntary substantial change in the circumstances of the parties or the child and when there is a voluntary substantial change in the circumstances of the parties.

Section 4. Amends s. 61.14, Florida Statutes, 1998 Supplement, to clarify that the guideline amount in s. 61.30, Florida Statutes, may constitute changed circumstances.

Section 5. Amends s. 409.2564, Florida Statutes, 1998 Supplement, to remove a reference to conform statutory terminology.

Section 6. Amends s. 741.0306, Florida Statutes, 1998 Supplement, to remove a reference to conform statutory terminology.

Section 7. Amends s. 794.05, Florida Statutes, to remove the reference to conform statutory terminology.

Section 8. Provides for the creation of a Child Support Study Commission to consist of 20 members:

- Five members appointed by the Governor; one is to be a custodial parent, one is to be a noncustodial parent;
- Two members to be appointed by the President of the Senate;
- Two members to be appointed by the Speaker of the House of Representatives;
- A judge, to be appointed by the Chief Justice of the Supreme Court;
- One member to be appointed by the Attorney General;
- One member from the Family Law Section of the Florida Bar;
- A representative of the Department of Revenue;
- A representative of the WAGES Program;
- A representative of the Commission on Responsible Fatherhood;
- A representative of MAD DADS;
- A representative of the Association for Children for Enforcement of Support; and
- Three members to be appointed by the other members of the commission based on the specific needs of the commission.

The section provides that commission members, with exception of those made by the Governor and the commission, be appointed no later than July 15, 1999, that the commission exist no longer than June 30, 2001, that a chairperson be elected by majority vote, and that member expenses, including travel expenses, be reimbursed in accordance with s. 112.061, Florida Statutes. The Office of the State Courts Administrator shall house and staff the commission

The commission shall analyze, make findings, and submit recommendations related to the following:

- The advisability of continuing with the current income-shares child support guidelines model;
- The possibility of consolidating various child support statutes into one general section in chapter 61, Florida Statutes; and
- Statutory changes that will clarify and simplify the substance and the procedures of chapter 61, Florida Statutes, as well as any other changes necessary to improve the administration of the child support provisions of Florida law.
- Statutory changes concerning custody, visitation, and child support determinations which reflect the developmental needs of the child.

Provides that the commission prepare and submit a report to include findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court by November 15, 2000.

Section 9. Provides for an appropriation of \$175,000 to the Office of the State Courts Administrator and one full-time equivalent position for fiscal year 1999-2000 to fund the Child Support Study Commission.

Section 10. Provides for an effective date of July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See fiscal comments.

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The bill provides for a \$175,000 appropriation to the Office of the State Court Administrator to fund the Child Support Study Commission. The estimated budget is as follows:

| | FY 99-00 | FY 00-01 |
|----------------------------|-----------------|-----------------|
| Salaries/Benefits | \$68,585* | \$ 68,585* |
| Senior Attorney I | \$24,000 | \$ 24,000 |
| Administrative Assistant I | | |

Expenses

| | | |
|--|------------------|------------------|
| Senior Attorney I | \$ 5,963 | |
| Administrative Assistant I | \$ 5,963 | |
| | | |
| Operating Capital Outlay | | |
| Senior Attorney I | \$ 3,800 | |
| Administrative Assistant I | \$ 3,800 | |
| | | |
| Commission's Staff Expenses | \$112,111 | \$ 92,585 |
| | | |
| Meeting Expenses | \$ 900** | \$ 600** |
| Travel | \$ 32,750*** | \$ 16,500*** |
| Consultant/Economist | \$ 20,000 | \$ 5,000 |
| Printing | \$ 2,000 | \$ 5,000 |
| Postage \$ 1,000 \$ 1,000 | | |
| Miscellaneous Expenses | \$ 3,000 | \$ 2,000 |
| Commission's Operating Expenses | \$ 59,650 | \$ 30,100 |
| | | |
| TOTAL ANNUAL EXPENSES | \$171,761 | \$122,685 |
| TOTAL OVERALL EXPENSES | \$294,446 | |

* Salaries are at 5% above minimum and FICA match is included.

** Meeting expenses are estimated based on 6 meetings in FY 1999-2000 and 4 meetings in FY 2000-2001. It is anticipated that 3 meetings in FY 1999-2000 and 2 meetings in FY 2000-2001 will be held in the Office of the State Courts Administrator's facilities, and room rental for the other 5 meetings is estimated to be \$300 each.

*** Travel expenses are estimated to be \$250 per person per trip, with 15 people traveling to Tallahassee meetings and 18 traveling to out-of-town meetings. \$8,000 was also added to the FT 1999-2000 budget to cover any out-of-state travel necessary for site visits to other state's programs.

The Department of Revenue reports cost to the agency as \$6587 in nonrecurring expenses. This figure includes \$2240 from General Revenue and \$4347 from the Grants and Donations Trust Fund.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

It may be problematic to eliminate the term "guidelines" or substitute terminology in statutes where "guidelines" is currently used. The term "guidelines" has been used for years in both federal law and the laws of other states. Florida should be cautious in removing this institutional term. A better solution may be to adequately and clearly define the term "guidelines".

Federal law requires states to review their child support guidelines at least once every four years in order to ensure that their application results in child support award amounts that are appropriate. To be included in that review is an analysis of case data related to the application of, and deviations from, the guidelines as well economic data related to the cost of raising children. Florida last reviewed its guidelines in 1997. The economic update was provided by Policy Studies, Inc, and case data was analyzed and summarized by OPPAGA. The Legislature has not implemented any new legislation as a result of the 1997 review. The next review must be done no later than 2001 and there is no provision in the study commission language for either of the two federal requirements to be included in the scope of the commission's work.

The membership of the study commission references specifically the inclusion of a member who will represent the interests of custodial parents; there is no such mention of a member who will represent the interests of noncustodial parents. The distribution of membership appointments lends itself to the possibility, if not the probability, that the commission will be laden with jurists and members of the legal profession. There is no specific inclusion of members of academe, policy analysts, policy historians or theorists, or program designers and evaluators.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Amendments adopted by the **Committee on Family Law and Children** during the April 5, 1999 committee meeting addressed some of the concerns expressed in the comment section.

VII. SIGNATURES:

COMMITTEE ON FAMILY LAW AND CHILDREN:

Prepared by:

Staff Director:

Carol Preston

Carol Preston