

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1851

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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The Conference Committee on HB 1851 offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 985.2311, Florida Statutes, is created to read:

985.2311 Cost of supervision; cost of care.--

(1) Except as provided in subsection (3) or subsection (4):

(a) When any child is placed into home detention, probation, or other supervision status with the Department of Juvenile Justice, the court shall order the parent of such child to pay to the department a fee for the cost of the supervision of such child in the amount of \$1 per day for each day that the child is in supervision status.

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16 (b) When any child is placed into secure detention or
17 placed on committed status and the temporary legal custody of
18 such child is placed with the Department of Juvenile Justice,
19 the court shall order the parent of such child to pay to the
20 department a fee for the cost of the care of such child in the
21 amount of \$5 per day for each day that the child is in the
22 temporary legal custody of the department.

23 (2) The parent of any child who has been placed under the
24 supervision or care of the department shall provide to the
25 department his or her name, address, social security number,
26 date of birth, driver's license number or identification card
27 number, and sufficient financial information so as to assist the
28 court in determining the parent's ability to pay any fee
29 associated with the cost of the child's supervision or care. If
30 the parent refuses to provide the department with the
31 information required by this subsection, the court shall order
32 the parent to provide such information. The failure of the
33 parent to comply with such order of the court constitutes
34 contempt of court, and the court may punish the parent
35 accordingly.

36 (3) At the time of any detention or disposition hearing,
37 the court shall receive the information described in subsection
38 (2), as well as any other verbal or written information offered
39 as to the ability of the parent of a child who is being placed
40 under the supervision or care of the department to pay any fee
41 imposed pursuant to this section and whether the payment of such
42 fee will create a significant financial hardship. The court may
43 apportion the obligation for the fee to each parent in a manner

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44 it deems appropriate; however, the total amount of the daily fee
 45 may not exceed the amounts specified in this section. Any
 46 finding made by the court as to the ability of the parent to pay
 47 such fee, including any finding of indigency or significant
 48 financial hardship, shall be in writing and shall contain a
 49 detailed description of the facts supporting such finding. If
 50 the court makes a finding of indigency and significant financial
 51 hardship, the court shall waive the fee or reduce it to an
 52 amount deemed appropriate.

53 (4) Notwithstanding subsection (3), the court may reduce
 54 or waive the fee as to each parent if the court makes a finding
 55 on the record that the parent was the victim of the delinquent
 56 act or violation of law for which the child has been placed
 57 under the supervision or care of the department and that the
 58 parent is cooperating or has cooperated with the investigation
 59 of the offense.

60 (5) The court shall order the payment of any fees required
 61 in this section as part of the detention or disposition order.
 62 Such order must include specific written findings as to what
 63 fees are ordered, reduced, or waived. If the court fails to
 64 enter an order as required by this section, the parent is deemed
 65 to have an obligation to pay to the department a fee in the
 66 amount of \$1 per day for each day that the child is under the
 67 supervision of the department and \$5 per day for each day that
 68 the child remains in the care of the department.

69 (6) Notwithstanding subsection (1), with respect to a
 70 child who reaches the age of 18 prior to the detention or
 71 disposition hearing, the court may elect to direct an order

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72 required by this section to such child, rather than to the
73 child's parent. With regard to a child who reaches 18 while
74 under the supervision or care of the department, the court may,
75 upon proper motion of any party, hold a hearing as to whether
76 any party should be further obligated to pay any fee associated
77 with cost of the supervision or care of such child. If the court
78 does not enter an order under this subsection, it shall be
79 presumed that the court intended for the parent to pay or to
80 continue to pay the fees specified in this section. Any order
81 entered pursuant to this subsection must include specific
82 findings as to what fees are ordered, reduced, or waived as to
83 the child.

84 (7) With respect to a child who has been placed under the
85 supervision or care of the department and whose parent receives
86 public assistance for any portion of such child's care, the
87 department must seek a federal waiver to garnish or otherwise
88 order the payment of a portion of the public assistance relating
89 to such child, in an amount not to exceed the amount of the
90 parent's obligation, in order to offset the costs to the
91 department associated with providing supervision or care of such
92 child.

93 (8) If any order entered pursuant to this section affects
94 the guardianship of an estate, a certified copy of such order
95 shall be delivered to the judge having jurisdiction over the
96 guardianship of the estate.

97 (9) The department may employ a collection agency for the
98 purpose of receiving, collecting, and managing the payment of
99 any fees ordered pursuant to this section that have gone

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100 delinquent or unpaid for 90 days or more. The collection agency
 101 must be registered and in good standing under chapter 559. The
 102 department may pay for the services of the collection agency
 103 from available authorized funds or from funds generated by any
 104 collections under this subsection. Alternatively, the department
 105 may authorize the collection agency to withhold a specified
 106 amount of any fee collected as payment for its services.

107 (10) The department or the collection agency shall provide
 108 to the payor documentation of the payment of any fee paid
 109 pursuant to this section. Except as provided in subsection (9),
 110 all payments received by the department or the collection agency
 111 pursuant to this section shall be deposited in the state Grants
 112 and Donations Trust Fund within the Department of Juvenile
 113 Justice.

114 (11) Under no circumstance shall the court or the
 115 department extend the child's length of stay in the department's
 116 supervision or care solely for the purpose of collecting the
 117 fees specified in this section.

118 (12) No parent or child shall be liable for any fee
 119 provided in this section unless:

120 (a) The child is adjudicated delinquent, or has
 121 adjudication of delinquency withheld, for the offense that gave
 122 rise to the supervision or care; or

123 (b) The child is found to have violated an order of the
 124 court, including any order of supervision or care, and the costs
 125 are associated with the violation of such order.

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127 If any funds are paid for the supervision or care of a child who
128 is determined not to meet the criteria specified in paragraph
129 (a) or paragraph (b), such funds shall be refunded to the payor
130 forthwith.

131 (13) For purposes of this section, "parent" means any
132 person who meets the definition of "parent" or "legal custody or
133 guardian" in s. 985.03.

134 Section 2. Subsection (5) of section 985.21, Florida
135 Statutes, is amended to read:

136 985.21 Intake and case management.--

137 (5) Prior to requesting that a delinquency petition be
138 filed or prior to filing a dependency petition, the juvenile
139 probation officer may request the parent or legal guardian of
140 the child to attend a course of instruction in parenting skills,
141 training in conflict resolution, and the practice of
142 nonviolence; to accept counseling; or to receive other
143 assistance from any agency in the community which notifies the
144 clerk of the court of the availability of its services. Where
145 appropriate, the juvenile probation officer shall request both
146 parents or guardians to receive such parental assistance. The
147 juvenile probation officer may, in determining whether to
148 request that a delinquency petition be filed, take into
149 consideration the willingness of the parent or legal guardian to
150 comply with such request. The parent or guardian must provide
151 the juvenile probation officer with identifying information,
152 including the parent's or guardian's name, address, date of
153 birth, social security number, and driver's license number or

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154 identification card number in order to comply with s. 985.2311
155 ~~ss. 985.215(6), 985.231(1)(b), and 985.233(4)(d).~~

156 Section 3. Subsection (6) of section 985.215, Florida
157 Statutes, as amended by section 140 of chapter 2003-402, Laws of
158 Florida, is amended to read:

159 985.215 Detention.--

160 (6)(a) When any child is placed into secure, ~~nonsecure,~~ or
161 home detention care or into other placement for the purpose of
162 being supervised by the Department of Juvenile Justice pursuant
163 to a court order following a detention hearing, the court shall
164 order the parents or guardians of such child to pay to the
165 Department of Juvenile Justice fees as provided under s.
166 985.2311 ~~in the amount of \$5 per day that the child is under the~~
167 ~~care or supervision of the department in order to partially~~
168 ~~offset the cost of the care, support, maintenance, and other~~
169 ~~usual and ordinary obligations of parents to provide for the~~
170 ~~needs of their children, unless the court makes a finding on the~~
171 ~~record that the parent or guardian of the child is indigent.~~

172 (b) ~~At the time of the detention hearing, the department~~
173 ~~shall report to the court, verbally or in writing, any available~~
174 ~~information concerning the ability of the parent or guardian of~~
175 ~~the child to pay such fee. If the court makes a finding of~~
176 ~~indigence, the parent or guardian shall pay to the department a~~
177 ~~nominal subsistence fee of \$2 per day that the child is securely~~
178 ~~detained outside the home or \$1 per day if the child is~~
179 ~~otherwise detained in lieu of other fees related to the parent's~~
180 ~~obligation for the child's cost of care. The nominal subsistence~~
181 ~~fee may only be waived or reduced if the court makes a finding~~

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182 ~~that such payment would constitute a significant financial~~
 183 ~~hardship. Such finding shall be in writing and shall contain a~~
 184 ~~detailed description of the facts that led the court to make~~
 185 ~~both the finding of indigence and the finding of significant~~
 186 ~~financial hardship.~~

187 ~~(c) In addition, the court may reduce the fees or waive~~
 188 ~~the fees as to each parent or guardian if the court makes a~~
 189 ~~finding on the record that the parent or guardian was the victim~~
 190 ~~of the delinquent act or violation of law for which the child is~~
 191 ~~detained and that the parent or guardian is cooperating in the~~
 192 ~~investigation of the offense.~~

193 ~~(d) The court must include specific findings in the~~
 194 ~~detention order as to what fees are ordered, reduced, or waived.~~
 195 ~~If the court fails to enter an order as required by this~~
 196 ~~subsection, it shall be presumed that the court intended the~~
 197 ~~parent or guardian to pay to the department the fee of \$5 per~~
 198 ~~day that the child remains in detention care.~~

199 ~~(e) With respect to a child who has been found to have~~
 200 ~~committed a delinquent act or violation of law, whether or not~~
 201 ~~adjudication is withheld, and whose parent or guardian receives~~
 202 ~~public assistance for any portion of that child's care, the~~
 203 ~~department must seek a federal waiver to garnish or otherwise~~
 204 ~~order the payments of the portion of the public assistance~~
 205 ~~relating to that child to offset the costs of providing care,~~
 206 ~~custody, maintenance, rehabilitation, intervention, or~~
 207 ~~corrective services to the child. When the order affects the~~
 208 ~~guardianship estate, a certified copy of the order shall be~~

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209 ~~delivered to the judge having jurisdiction of the guardianship~~
210 ~~estate.~~

211 ~~(f) The clerk of the circuit court shall act as a~~
212 ~~depository for these fees. Upon each payment received, the clerk~~
213 ~~of the circuit court shall receive a fee from the total payment~~
214 ~~of 3 percent of any payment made except that no fee shall be~~
215 ~~less than \$1 nor more than \$5 per payment made. This fee shall~~
216 ~~serve as a service charge for the administration, management,~~
217 ~~and maintenance of each payment. At the end of each month, the~~
218 ~~clerk of the circuit court shall send all money collected under~~
219 ~~this section to the state Grants and Donations Trust Fund.~~

220 ~~(g) The parent or guardian shall provide to the department~~
221 ~~the parent's or guardian's name, address, social security~~
222 ~~number, date of birth, and driver's license number or~~
223 ~~identification card number and sufficient financial information~~
224 ~~for the department to be able to determine the parent's or~~
225 ~~guardian's ability to pay. If the parent or guardian refuses to~~
226 ~~provide the department with any identifying information or~~
227 ~~financial information, the court shall order the parent to~~
228 ~~comply and may pursue contempt of court sanctions for failure to~~
229 ~~comply.~~

230 ~~(h) The department may employ a collection agency for the~~
231 ~~purpose of receiving, collecting, and managing the payment of~~
232 ~~unpaid and delinquent fees. The collection agency must be~~
233 ~~registered and in good standing under chapter 559. The~~
234 ~~department may pay to the collection agency a fee from the~~
235 ~~amount collected under the claim or may authorize the agency to~~
236 ~~deduct the fee from the amount collected. The department may~~

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237 ~~also pay for collection services from available authorized~~
238 ~~funds.~~

239 ~~(i) The department may enter into agreements with parents~~
240 ~~or guardians to establish a schedule of periodic payments if~~
241 ~~payment of the obligation in full presents an undue hardship.~~
242 ~~Any such agreement may provide for payment of interest~~
243 ~~consistent with prevailing loan rates.~~

244 ~~(j) The Department of Juvenile Justice shall provide to~~
245 ~~the payor documentation of any amounts paid by the payor to the~~
246 ~~Department of Juvenile Justice on behalf of the child. All~~
247 ~~payments received by the department pursuant to this subsection~~
248 ~~shall be deposited in the state Grants and Donations Trust Fund.~~
249 ~~Neither the court nor the department may extend the child's~~
250 ~~length of stay in detention care solely for the purpose of~~
251 ~~collecting fees.~~

252 Section 4. Paragraph (b) of subsection (1) of section
253 985.231, Florida Statutes, as amended by section 141 of chapter
254 2003-402, Laws of Florida, is amended to read:

255 985.231 Powers of disposition in delinquency cases.--

256 (1)

257 (b)~~1~~. When any child is found adjudicated by the court to
258 have committed a delinquent act and is placed on probation,
259 regardless of adjudication, under the supervision of or in the
260 temporary legal custody of the child has been placed with a
261 licensed child-caring agency or the Department of Juvenile
262 Justice, the court shall order the parents of such child to pay
263 fees to the department as provided under s. 985.2311 in the
264 amount of \$5 per day that the child is under the care or

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265 ~~supervision of the department in order to partially offset the~~
266 ~~cost of the care, support, maintenance, and other usual and~~
267 ~~ordinary obligations of parents to provide for the needs of~~
268 ~~their children while in the recommended residential commitment~~
269 ~~level, unless the court makes a finding on the record that the~~
270 ~~parent or guardian of the child is indigent.~~

271 ~~2. No later than the disposition hearing, the department~~
272 ~~shall provide the court with information concerning the actual~~
273 ~~cost of care, support, and maintenance of the child in the~~
274 ~~recommended residential commitment level and concerning the~~
275 ~~ability of the parent or guardian of the child to pay any fees.~~
276 ~~If the court makes a finding of indigence, the parent or~~
277 ~~guardianship shall pay to the department a nominal subsistence~~
278 ~~fee of \$2 per day that the child is committed outside the home~~
279 ~~or \$1 per day if the child is otherwise supervised in lieu of~~
280 ~~other fees related to the parents' obligation for the child's~~
281 ~~cost of care. The nominal subsistence fee may only be waived or~~
282 ~~reduced if the court makes a finding that such payment would~~
283 ~~constitute a significant financial hardship. Such finding shall~~
284 ~~be in writing and shall contain a detailed description of the~~
285 ~~facts that led the court to make both the finding of indigence~~
286 ~~and the finding of significant financial hardship.~~

287 ~~3. In addition, the court may reduce the fees or waive the~~
288 ~~fees as to each parent or guardian if the court makes a finding~~
289 ~~on the record that the parent or guardian was the victim of the~~
290 ~~delinquent act or violation of law for which the child is~~
291 ~~subject to placement under this section and that the parent or~~

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292 ~~guardian has cooperated in the investigation and prosecution of~~
293 ~~the offense.~~

294 ~~4. All orders committing a child to a residential~~
295 ~~commitment program shall include specific findings as to what~~
296 ~~fees are ordered, reduced, or waived. If the court fails to~~
297 ~~enter an order as required by this paragraph, it shall be~~
298 ~~presumed that the court intended the parent or guardian to pay~~
299 ~~fees to the department in an amount of \$5 per day related to the~~
300 ~~care, support, and maintenance of the child. With regard to a~~
301 ~~child who reaches the age of 18 prior to the disposition~~
302 ~~hearing, the court may elect to direct an order required by this~~
303 ~~paragraph to such child, rather than the parent or guardian.~~
304 ~~With regard to a child who reaches the age of 18 while in the~~
305 ~~custody of the department, the court may, upon proper motion of~~
306 ~~any party, hold a hearing as to whether any party should be~~
307 ~~further obligated respecting the payment of fees. When the order~~
308 ~~affects the guardianship estate, a certified copy of the order~~
309 ~~shall be delivered to the judge having jurisdiction of the~~
310 ~~guardianship estate.~~

311 ~~5. The clerk of the circuit court shall act as a~~
312 ~~depository for these fees. Upon each payment received, the clerk~~
313 ~~of the circuit court shall receive a fee from the total payment~~
314 ~~of 3 percent of any payment made except that no fee shall be~~
315 ~~less than \$1 nor more than \$5 per payment made. This fee shall~~
316 ~~serve as a service charge for the administration, management,~~
317 ~~and maintenance of each payment. At the end of each month, the~~
318 ~~clerk of the circuit court shall send all money collected under~~
319 ~~this section to the state Grants and Donations Trust Fund.~~

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320 ~~6. The parent or guardian shall provide to the department~~
321 ~~the parent or guardian's name, address, social security number,~~
322 ~~state of birth, and driver's license number or identification~~
323 ~~card number and sufficient financial information for the~~
324 ~~department to be able to determine the parent or guardian's~~
325 ~~ability to pay. If the parent or guardian refuses to provide the~~
326 ~~department with any identifying information or financial~~
327 ~~information, the court shall order the parent to comply and may~~
328 ~~pursue contempt of court sanctions for failure to comply.~~

329 ~~7. The department may employ a collection agency for the~~
330 ~~purpose of receiving, collecting, and managing the payment of~~
331 ~~unpaid and delinquent fees. The collection agency must be~~
332 ~~registered and in good standing under chapter 559. The~~
333 ~~department may pay to the collection agency a fee from the~~
334 ~~amount collected under the claim or may authorize the agency to~~
335 ~~deduct the fee from the amount collected. The department may~~
336 ~~also pay for collection services from available authorized~~
337 ~~funds.~~

338 ~~8. The department may enter into agreements with parents~~
339 ~~or guardians to establish a schedule of periodic payments if~~
340 ~~payment of the obligation in full presents an undue hardship.~~
341 ~~Any such agreement may provide for payment of interests~~
342 ~~consistent with prevailing loan rates.~~

343 ~~9. The Department of Juvenile Justice shall provide to the~~
344 ~~payor documentation of any amounts paid by the payor to the~~
345 ~~Department of Juvenile Justice on behalf of the child. All~~
346 ~~payments received by the department pursuant to this subsection~~
347 ~~shall be deposited in the state Grants and Donations Trust Fund.~~

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348 ~~10. Neither the court nor the department may extend the~~
349 ~~child's length of stay in placement care solely for the purpose~~
350 ~~of collecting fees.~~

351 Section 5. Paragraph (d) of subsection (4) of section
352 985.233, Florida Statutes, as amended by section 142 of chapter
353 2003-402, Laws of Florida, is amended to read:

354 985.233 Sentencing powers; procedures; alternatives for
355 juveniles prosecuted as adults.--

356 (4) SENTENCING ALTERNATIVES.--

357 (d) Recoupment of cost of care or supervision in juvenile
358 justice programs or facilities.--

359 ~~1. When the court orders any child to be supervised by or~~
360 ~~committed commitment of a child to the Department of Juvenile~~
361 ~~Justice for treatment in any of the department's programs for~~
362 ~~children, the court shall order the parents of such child to pay~~
363 ~~fees as provided under s. 985.2311 in the amount of \$5 per day~~
364 ~~that the child is under the care or supervision of the~~
365 ~~department in order to partially offset the cost of the care,~~
366 ~~support, maintenance, and other usual and ordinary obligations~~
367 ~~of parents to provide for the needs of their children, unless~~
368 ~~the court makes a finding on the record that the parent or legal~~
369 ~~guardian of the child is indigent.~~

370 ~~2. Prior to commitment, the department shall provide the~~
371 ~~court with information concerning the actual cost of care in the~~
372 ~~recommended residential commitment level and concerning the~~
373 ~~ability of the parent or guardian of the child to pay specified~~
374 ~~fees. If the court makes a finding of indigency, the parent or~~
375 ~~guardian shall pay to the department a nominal subsistence fee~~

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376 ~~of \$2 per day that the child is committed outside the home or \$1~~
377 ~~per day if the child is otherwise supervised in lieu of other~~
378 ~~fees related to the parent's obligation for the child's cost of~~
379 ~~care. The nominal subsistence fee may only be waived or reduced~~
380 ~~if the court makes a finding that such payment would constitute~~
381 ~~a significant financial hardship. Such finding shall be in~~
382 ~~writing and shall contain a detailed description of the facts~~
383 ~~that led the court to make both the finding of indigency and the~~
384 ~~finding of significant financial hardship.~~

385 ~~3. In addition, the court may reduce the fees or waive the~~
386 ~~fees as to each parent or guardian if the court makes a finding~~
387 ~~on the record that the parent or guardian was the victim of the~~
388 ~~delinquent act or violation of law for which the child is~~
389 ~~subject to commitment under this section and that the parent or~~
390 ~~guardian has cooperated in the investigation and prosecution of~~
391 ~~the offense. When the order affects the guardianship estate, a~~
392 ~~certified copy of the order shall be delivered to the judge~~
393 ~~having jurisdiction of the guardianship estate.~~

394 ~~4. All orders committing a child to a residential~~
395 ~~commitment program shall include specific findings as to what~~
396 ~~fees are ordered, reduced, or waived. If the court fails to~~
397 ~~enter an order as required by this paragraph, it shall be~~
398 ~~presumed that the court intended the parent or guardian to pay~~
399 ~~fees to the department in an amount of \$5 per day related to the~~
400 ~~care, support, and maintenance of the child. With regard to a~~
401 ~~child who reaches the age of 18 prior to the disposition~~
402 ~~hearing, the court may elect to direct an order required by this~~
403 ~~paragraph to such child, rather than the parent or guardian.~~

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404 ~~With regard to a child who reaches the age of 18 while in the~~
405 ~~custody of the department, the court may, upon proper motion of~~
406 ~~any party, hold a hearing as to whether any party should be~~
407 ~~further obligated respecting the payment of fees.~~

408 ~~5. The clerk of the circuit court shall act as a~~
409 ~~depository for these fees. Upon each payment received, the clerk~~
410 ~~of the circuit court shall receive a fee from the total payment~~
411 ~~of 3 percent of any payment made except that no fee shall be~~
412 ~~less than \$1 nor more than \$5 per payment made. This fee shall~~
413 ~~serve as a service charge for the administration, management,~~
414 ~~and maintenance of each payment. At the end of each month, the~~
415 ~~clerk of the circuit court shall send all money collected under~~
416 ~~this section to the state Grants and Donations Trust Fund.~~

417 ~~6. The parent or guardian shall provide to the department~~
418 ~~the parent or guardian's name, address, social security number,~~
419 ~~date of birth, and driver's license number or identification~~
420 ~~card number and sufficient financial information for the~~
421 ~~department to be able to determine the parent or guardian's~~
422 ~~ability to pay. If the parent or guardian refuses to provide the~~
423 ~~department with any identifying information or financial~~
424 ~~information, the court shall order the parent to comply and may~~
425 ~~pursue contempt of court sanctions for failure to comply.~~

426 ~~7. The department may employ a collection agency for the~~
427 ~~purpose of receiving, collecting, and managing the payment of~~
428 ~~unpaid and delinquent fees. The collection agency must be~~
429 ~~registered and in good standing under chapter 559. The~~
430 ~~department may pay to the collection agency a fee from the~~
431 ~~amount collected under the claim or may authorize the agency to~~

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432 ~~deduct the fee from the amount collected. The department may~~
433 ~~also pay for collection services from available authorized~~
434 ~~funds. The Department of Juvenile Justice shall provide to the~~
435 ~~payor documentation of any amounts paid by the payor to the~~
436 ~~Department of Juvenile Justice on behalf of the child. All~~
437 ~~payments received by the department pursuant to this subsection~~
438 ~~shall be deposited in the state Grants and Donations Trust Fund.~~

439 ~~8. Neither the court nor the department may extend the~~
440 ~~child's length of stay in commitment care solely for the purpose~~
441 ~~of collecting fees.~~

442
443 It is the intent of the Legislature that the criteria and
444 guidelines in this subsection are mandatory and that a
445 determination of disposition under this subsection is subject to
446 the right of the child to appellate review under s. 985.234.

447 Section 6. Notwithstanding any contrary provision of s.
448 985.2311, Florida Statutes, for the period beginning July 1,
449 2004 through June 30, 2005, the court shall reduce the fees
450 required under that section for parents or guardians of children
451 whose cases come before the juvenile court in the Ninth Judicial
452 Circuit who successfully complete a voluntary parenting course
453 approved by the Department of Juvenile Justice. The amount of
454 the reduction shall be equivalent to 20 percent of the
455 obligation owed by the parent or guardian for such fees;
456 however, the total value of the reduction shall not exceed \$450.
457 The parent or guardian shall be responsible for any balance of
458 fees associated with the cost of the child's supervision or care
459 that remains after the application of the reduction authorized

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460 under this section. Any reduction in the amount of the
461 obligation owed by the parent or guardian pursuant to an order
462 of the court shall be contingent upon the agreement of the
463 parent or guardian to stay current in his or her obligation for
464 the remaining fees owed and to successfully complete the
465 parenting course and present the department with notarized
466 documentation of such completion. The court shall proceed under
467 its contempt authority against any parent or guardian who, after
468 having agreed to such conditions, fails to stay current in his
469 or her obligation for the remaining balance of fees or who fails
470 to successfully complete the parenting course. Upon a finding of
471 contempt, the court shall require the parent or guardian to pay
472 the full amount of the fees as provided under s. 985.2311,
473 Florida Statutes. A parent or guardian may only have fees
474 reduced under this section once. This section shall expire June
475 30, 2005.

476 Section 7. This act shall take effect July 1, 2004.

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479 ===== T I T L E A M E N D M E N T =====

480 Remove the entire title and insert:

481 A bill to be entitled

482 An act relating to the costs of supervision and care for
483 juvenile offenders; clarifying the authority of the court
484 to assess fees to parents for the costs associated with
485 the supervision or care of a child by the Department of
486 Juvenile Justice; creating s. 985.2311, F.S.; requiring
487 the court to order the parent of a child placed in home

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488 detention, probation, or other supervision status or
489 placed into secure detention or on committed status with
490 the department to pay a daily fee for the cost of such
491 child's supervision or care; specifying the amount of the
492 fee associated with the cost of supervision; specifying
493 the amount of the fee associated with the cost of care;
494 requiring the parent of such child to provide specified
495 identifying information and information pertaining to the
496 parent's ability to pay such fees; providing for
497 enforcement of such requirement through contempt
498 proceedings; authorizing the court to apportion the
499 payment obligation; requiring the court to waive or reduce
500 such fees upon a finding of indigency or significant
501 financial hardship; requiring such finding to be supported
502 by facts and detailed in writing; authorizing the court to
503 reduce or waive such fees as to any parent who was a
504 victim of the child's delinquent act in certain
505 circumstances; requiring the court to make written
506 findings as to what fees are ordered, reduced, or waived;
507 providing a presumption in the absence of such order;
508 authorizing the court to order a child to pay such fees in
509 certain circumstances; requiring the department to seek a
510 federal waiver to garnish public assistance benefits in
511 certain circumstances; providing procedures if an order
512 for payment of such fees affects the guardianship of an
513 estate; authorizing the department to employ certain
514 agencies in the collection of delinquent or unpaid fees;
515 providing for payment for the services of such collection

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516 agency; requiring that certain documentation be provided
517 relating to the payment of such fees; providing for all
518 moneys collected by the department or collection agency in
519 connection with such fees to be transferred to the Grants
520 and Donations Trust Fund; prohibiting the court or the
521 department from extending a child's length of supervision
522 or care solely for the purpose of collecting such fees;
523 providing a limitation of the responsibility of a parent
524 or child for such fees; providing for a refund in certain
525 circumstances; defining the term "parent"; amending s.
526 985.21, F.S.; revising cross references, to conform;
527 amending s. 985.215, F.S.; requiring the court to order a
528 parent to pay fees associated with the cost of the
529 supervision or care of any child placed on detention
530 status with the department; providing a cross reference;
531 deleting provisions relating to the assessment and
532 collection of fees associated with the cost of such care
533 to conform; amending s. 985.231, F.S.; requiring the court
534 to order a parent to pay fees associated with the cost of
535 the supervision or care of any child found to have
536 committed a delinquent act, regardless of adjudication,
537 and placed under the supervision or in the temporary
538 custody of the department; providing a cross reference;
539 deleting provisions relating to the assessment and
540 collection of fees associated with the cost of such
541 supervision or care to conform; amending s. 985.233, F.S.;
542 providing for the recoupment of the cost of supervision or
543 care in juvenile justice programs or facilities; requiring

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544 the court to order a parent to pay fees associated with
545 the cost of the supervision or care of any child
546 supervised by or committed to the department; providing a
547 cross reference; deleting provisions relating to the
548 assessment and collection of fees associated with the cost
549 of such supervision or care to conform; requiring the
550 court to reduce the fees owed by parents or guardians for
551 the cost of a child's care or supervision by the
552 department in certain circumstances where the parent or
553 guardian successfully completes a parenting course;
554 providing a limit on the amount that such fees may be
555 reduced; providing for the future repeal of the
556 requirement; providing an effective date.

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