

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1851 Costs of Supervision and Care for Juvenile Offenders
SPONSOR(S): Appropriations
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Appropriations	25 Y, 7 N	DeBeaugrine	Baker
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

HB 1851 creates a uniform system for the imposition and collection of fees from parents and guardians of children supervised by the Department of Juvenile Justice. In addition, this bill provides enforcement mechanisms.

Total revenue to the state should increase due to extending fee requirements to parents of youth on probation. At current collection rates of approximately 8%, overall collections from youth on probation would total \$824,000. In addition, improvements in collection rates may be experienced through improved collection mechanisms. Each 1% incremental improvement in collection rate will add approximately \$260,000 in collections.

The department has estimated increased costs of approximately \$794, 492 associated with the costs of legal work, finance and accounting staff and increased postage and other expenses.

The proposed House General Appropriations Act contains \$2.8 million of budget authority for cost of care and supervision payments. Estimated collections under current law are \$1.2 million.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1851.ap.doc
DATE: March 26, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

HB 1851 creates a uniform system for the imposition and collection of fees from parents and guardians of children supervised by the Department of Juvenile Justice. If a child is in a residential program, the parents are ordered to pay an amount of \$5 per day for each day the child is in the custody of the Department of Juvenile Justice. If a child is at home and under supervision by the Department of Juvenile Justice, the parents of the child are ordered to pay an amount of \$1 per day for each day the child remains under the supervision of the Department of Juvenile Justice. The court will assess these fees during the detention or disposition order.

In order to assist the court in determining a parent's ability to pay, the parents are required to provide identifying and financial information to the department for use by the court. Failure to provide the information would constitute contempt of court. If the court makes a finding that the parents of the child are indigent or that paying such fees would cause significant financial hardship, the court shall reduce or waive the fee. The court may also reduce or waive the fee if it makes a finding that the parent was the victim of the child's delinquent act. The bill adds a provision that parents need not pay the fees if the child has been acquitted or if charges against the child have been dismissed.

In addition, HB 1851 provides enforcement mechanisms. This bill adds the provision that if a parent or guardian of a child fails to pay the fees established by s. 985.2311, F.S., the Department of Highway Safety and Motor Vehicles will, after receiving notice from the Department of Juvenile Justice of the delinquency, suspend the driver's license of the person named in the notice and the registration of all vehicles owned by that person. In addition, the department is directed to seek a federal waiver to garnish the portion of public assistance payments a parent receives associated with the child under the department's care or supervision. The bill also authorizes the Department of Juvenile Justice to employ a collection agency to collect fees and directs that the fees collected be deposited into the Department of Juvenile Justice Grants and Donations Trust Fund.

The bill provides that the court or the department may not, under any circumstance, extend the child's length of stay in the department's supervision or care for the purpose of collecting fees.

Current Situation

Under current law, the Department of Juvenile Justice is required to charge parents fees for services provided to their child. The current fee schedule is \$5 per day that the child is under the supervision or care of the Department of Juvenile Justice. However, the court may reduce this fee upon a finding that the parents are indigent to \$2 per day that the child is committed outside the home or \$1 per day that the child is otherwise supervised. Under current law, there is no provision that prohibits the collection of fees from parents whose children have not been adjudicated.

The Department of Juvenile Justice expects to collect \$1.2 million from fees during the current year. This is \$1.6 million less than the \$2.8 million budgeted from parent fees in the House General Appropriations Act. Some problems cited by the department in collecting fees include a lack of clarity regarding who is responsible for paying the fees and a lack of a meaningful enforcement mechanisms.

C. SECTION DIRECTORY:

Section 1. Creates s. 985.2311, F.S., relating to the costs of care for children under the supervision of or in the legal custody of the Department of Juvenile Justice.

Section 2. Creates s. 985.2313, F.S., relating to suspension of license, privilege, or registration for failure to pay fees associated with the cost of supervision or care.

Section 3. Amends s. 322.058, F.S., relating to suspension of driving privileges due to support delinquency.

Section 4. Amends s. 985.21, F.S., making conforming changes.

Section 5. Amends s. 985.215, F.S., relating to secure or home detention care supervised by the Department of Juvenile Justice

Section 6. Amends s. 985.231, F.S., relating to placing a child on probation or in temporary legal custody of the Department of Juvenile Justice.

Section 7. Amends s. 985.233, F.S., relating to supervision by or commitment of a child to the Department of Juvenile Justice for treatment in one of the department's programs for children.

Section 8. Reenacts s. 322.058, F.S., relating to mandatory surrender of suspended driver's license and registration.

Section 9. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

There will be an indeterminate impact on revenue accruing to the Department of Juvenile Justice from cost of care and supervision collections. The amount is indeterminate since improvements in collection rates and collection rates from the new group of youth who will be covered by cost of care requirements are not known.

The department notes total potential collections of \$10.3 million from charging the \$1 per day fee to parents of youth on probation or other forms of community supervision. The department currently does not bill for these youth. At current collection rates, new revenue to the state would be approximately \$824,000.

In terms of youth for which the department currently bills, total potential collections for residential commitment programs at \$5 per day are \$12.6 million assuming average occupancy of 95%; potential collections for detention centers are \$2.8 million assuming that non-adjudicated youth and vacant bed days account for 25% of the total available bed days; and, a \$1 per day charge for youth on home detention would add approximately \$250,000 assuming 95% utilization of the department's 710 slots for electronic monitoring.

Currently, the department expects to collect roughly \$1.2 million, or almost 8% of potential collections from youth that are currently covered by cost of care requirements. This is an improvement from the 6% collection rate reported by the department for FY 2002-03. To the extent that the new enforcement provisions will enable continued improvements, there will be increased revenue to the state. Each 1% gain will result in about \$260,000 of additional collections.

2. Expenditures:

The department estimates 12 additional legal staff are necessary to handle court appearances due to driver license suspension provisions and that 1 additional finance and accounting staff will be needed for maintaining the cost of care information system. In addition, the department notes the need for additional expenses associated with mailing out notices. Total costs associated with these positions and increased expenses is \$794,492.

Please see fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Parents will face additional sanctions as the result of failure to pay court-ordered cost of care fees. In addition, parents of youth on probation will be required to pay a fee of \$1 for each day their child is under supervision by the department. Although the original cost of care language was developed with the anticipation that parents of youth on probation would pay \$5 per day (or \$1 per day upon finding of indigency), the department has never billed for these youth citing that the current law does not provide sufficiently clear authority.

D. FISCAL COMMENTS:

The House proposed General Appropriations Act contains continuation of \$2.8 million in recurring appropriations from cost of care and supervision collections. Included in this amount is the continuation of an additional \$500,000 that was provided in the FY 2000-01 General Appropriations Act for increased workload associated with the effort to collect cost of care and supervision payments. The other \$2.3 million represents fund shifts from general revenue to trust funds of \$500,000 in FY 2000-01 and \$1.8 million in FY 2003-04 that were adopted by the Legislature in anticipation of improved collections.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to require the agency to adopt rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A