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1 A bill to be entitled

2 An act relating to the costs of supervision and care for
3 juvenile offenders; clarifying the authority of the court
4 to assess fees to parents for the costs associated with
5 the supervision or care of a child by the Department of
6 Juvenile Justice; creating s. 985.2311, F.S.; requiring
7 the court to order the parent of a child placed in home
8 detention, probation, or other supervision status or
9 placed into secure detention or on committed status with
10 the department to pay a daily fee for the cost of such
11 child's supervision or care; specifying the amount of the
12 fee associated with the cost of supervision; specifying
13 the amount of the fee associated with the cost of care;
14 requiring the parent of such child to provide specified
15 identifying information and information pertaining to the
16 parent's ability to pay such fees; providing for
17 enforcement of such requirement through contempt
18 proceedings; authorizing the court to apportion the
19 payment obligation; requiring the court to waive or reduce
20 such fees upon a finding of indigency or significant
21 financial hardship; requiring such finding to be supported
22 by facts and detailed in writing; authorizing the court to
23 reduce or waive such fees as to any parent who was a
24 victim of the child's delinquent act in certain
25 circumstances; requiring the court to make written
26 findings as to what fees are ordered, reduced, or waived;
27 providing a presumption in the absence of such order;
28 authorizing the court to order a child to pay such fees in
29 certain circumstances; requiring the department to seek a

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30 federal waiver to garnish public assistance benefits in
 31 certain circumstances; providing procedures if an order
 32 for payment of such fees affects the guardianship of an
 33 estate; authorizing the department to employ certain
 34 agencies in the collection of delinquent or unpaid fees;
 35 providing for payment for the services of such collection
 36 agency; requiring that certain documentation be provided
 37 relating to the payment of such fees; providing for all
 38 moneys collected by the department or collection agency in
 39 connection with such fees to be transferred to the Grants
 40 and Donations Trust Fund; prohibiting the court or the
 41 department from extending a child's length of supervision
 42 or care solely for the purpose of collecting such fees;
 43 providing a limitation of the responsibility of a parent
 44 or child for such fees; providing for a refund in certain
 45 circumstances; defining the term "parent"; creating s.
 46 985.2313, F.S.; providing for suspension of driving
 47 privileges, license, or motor vehicle registration in
 48 certain circumstances; providing for the department to
 49 provide the parent with notice of delinquency prior to
 50 pursuing such action; authorizing the Department of
 51 Juvenile Justice to notify the Department of Highway
 52 Safety and Motor Vehicles of a parent's failure to pay
 53 fees associated with the cost of a child's supervision or
 54 care by the Department of Juvenile Justice in certain
 55 circumstances; providing procedures allowing the parent to
 56 avoid or contest such suspension; specifying the manner of
 57 notice; amending s. 322.058, F.S.; authorizing the
 58 Department of Highway Safety and Motor Vehicles to suspend

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59 | the driving privileges or motor vehicle registration of a
60 | parent who is delinquent in paying fees associated with
61 | the cost of supervision or care of a child upon receiving
62 | proper notice of such delinquency from the Department of
63 | Juvenile Justice; providing for reinstatement following
64 | such action; amending s. 985.21, F.S.; revising cross
65 | references, to conform; amending s. 985.215, F.S.;
66 | requiring the court to order a parent to pay fees
67 | associated with the cost of the supervision or care of any
68 | child placed on detention status with the department;
69 | providing a cross reference; deleting provisions relating
70 | to the assessment and collection of fees associated with
71 | the cost of such care to conform; amending s. 985.231,
72 | F.S.; requiring the court to order a parent to pay fees
73 | associated with the cost of the supervision or care of any
74 | child found to have committed a delinquent act, regardless
75 | of adjudication, and placed under the supervision or in
76 | the temporary custody of the department; providing a cross
77 | reference; deleting provisions relating to the assessment
78 | and collection of fees associated with the cost of such
79 | supervision or care to conform; amending s. 985.233, F.S.;
80 | providing for the recoupment of the cost of supervision or
81 | care in juvenile justice programs or facilities; requiring
82 | the court to order a parent to pay fees associated with
83 | the cost of the supervision or care of any child
84 | supervised by or committed to the department; providing a
85 | cross reference; deleting provisions relating to the
86 | assessment and collection of fees associated with the cost
87 | of such supervision or care to conform; reenacting s.

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88 322.059, F.S., relating to the mandatory surrender of
 89 suspended driver's license and registration, for the
 90 purpose of incorporating the amendment to s. 322.058,
 91 F.S., in a reference thereto; providing an effective date.

92

93 Be It Enacted by the Legislature of the State of Florida:

94

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

97 985.2311 Cost of supervision; cost of care.--

98 (1) Except as provided in subsection (3) or subsection

99 (4):

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

106 (b) When any child is placed into secure detention or
 107 placed on committed status and the temporary legal custody of
 108 such child is placed with the Department of Juvenile Justice,
 109 the court shall order the parent of such child to pay to the
 110 department a fee for the cost of the care of such child in the
 111 amount of \$5 per day for each day that the child is in the
 112 temporary legal custody of the department.

113 (2) The parent of any child who has been placed under the
 114 supervision or care of the department shall provide to the
 115 department his or her name, address, social security number,
 116 date of birth, driver's license number or identification card

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117 number, and sufficient financial information so as to assist the
 118 court in determining the parent's ability to pay any fee
 119 associated with the cost of the child's supervision or care. If
 120 the parent refuses to provide the department with the
 121 information required by this subsection, the court shall order
 122 the parent to provide such information. The failure of the
 123 parent to comply with such order of the court constitutes
 124 contempt of court, and the court may punish the parent
 125 accordingly.

126 (3) At the time of any detention or disposition hearing,
 127 the court shall receive the information described in subsection
 128 (2), as well as any other verbal or written information offered
 129 as to the ability of the parent of a child who is being placed
 130 under the supervision or care of the department to pay any fee
 131 imposed pursuant to this section and whether the payment of such
 132 fee will create a significant financial hardship. The court may
 133 apportion the obligation for the fee to each parent in a manner
 134 it deems appropriate; however, the total amount of the daily fee
 135 may not exceed the amounts specified in this section. Any
 136 finding made by the court as to the ability of the parent to pay
 137 such fee, including any finding of indigency or significant
 138 financial hardship, shall be in writing and shall contain a
 139 detailed description of the facts supporting such finding. If
 140 the court makes a finding of indigency and significant financial
 141 hardship, the court shall waive the fee or reduce it to an
 142 amount deemed appropriate.

143 (4) Notwithstanding subsection (3), the court may reduce
 144 or waive the fee as to each parent if the court makes a finding
 145 on the record that the parent was the victim of the delinquent

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146 act or violation of law for which the child has been placed
147 under the supervision or care of the department and that the
148 parent or guardian is cooperating or has cooperated with the
149 investigation of the offense.

150 (5) The court shall order the payment of any fees required
151 in this section as part of the detention or disposition order.
152 Such order must include specific written findings as to what
153 fees are ordered, reduced, or waived. If the court fails to
154 enter an order as required by this section, the parent is deemed
155 to have an obligation to pay to the department a fee in the
156 amount of \$1 per day for each day that the child is under the
157 supervision of the department and \$5 per day for each day that
158 the child remains in the care of the department.

159 (6) Notwithstanding subsection (1), with respect to a
160 child who reaches the age of 18 prior to the detention or
161 disposition hearing, the court may elect to direct an order
162 required by this section to such child, rather than to the
163 child's parent. With regard to a child who reaches 18 while
164 under the supervision or care of the department, the court may,
165 upon proper motion of any party, hold a hearing as to whether
166 any party should be further obligated to pay any fee associated
167 with cost of the supervision or care of such child. If the court
168 does not enter an order under this subsection, it shall be
169 presumed that the court intended for the parent to pay or to
170 continue to pay the fees specified in this section. Any order
171 entered pursuant to this subsection must include specific
172 findings as to what fees are ordered, reduced, or waived as to
173 the child.

174 (7) With respect to a child who has been placed under the

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175 supervision or care of the department and whose parent receives
 176 public assistance for any portion of such child's care, the
 177 department must seek a federal waiver to garnish or otherwise
 178 order the payment of a portion of the public assistance relating
 179 to such child to offset the costs to the department associated
 180 with providing supervision or care of such child.

181 (8) If any order entered pursuant to this section affects
 182 the guardianship of an estate, a certified copy of such order
 183 shall be delivered to the judge having jurisdiction over the
 184 guardianship of the estate.

185 (9) The department may employ a collection agency for the
 186 purpose of receiving, collecting, and managing the payment of
 187 any fees ordered pursuant to this section that have gone
 188 delinquent or unpaid. The collection agency must be registered
 189 and in good standing under chapter 559. The department may pay
 190 for the services of the collection agency from available
 191 authorized funds or from funds generated by any collections
 192 under this subsection. Alternatively, the department may
 193 authorize the collection agency to withhold a specified amount
 194 of any fee collected as payment for its services.

195 (10) The department or the collection agency shall provide
 196 to the payor documentation of the payment of any fee paid
 197 pursuant to this section. Except as provided in subsection (9),
 198 all payments received by the department or the collection agency
 199 pursuant to this section shall be deposited in the state Grants
 200 and Donations Trust Fund.

201 (11) Under no circumstance shall the court or the
 202 department extend the child's length of stay in the department's
 203 supervision or care solely for the purpose of collecting the

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204 fees specified in this section.

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

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

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

213
 214 If any funds are paid for the supervision or care of a child who
 215 is determined not to meet the criteria specified in paragraph
 216 (a) or paragraph (b), such funds shall be refunded to the payor
 217 forthwith.

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

221 Section 2. Section 985.2313, Florida Statutes, is created
 222 to read:

223 985.2313 Suspension of license, privilege, or
 224 registration, for failure to pay fees associated with the cost
 225 of supervision or care.--When a parent against whom an order
 226 under s. 985.2311 has been entered is more than 30 days
 227 delinquent in making any payment required by such order:

228 (1) The department may provide notice of the delinquency
 229 to such parent by regular United States mail to the parent's
 230 last address of record with the department and, if different,
 231 the last address of record with the Department of Highway Safety
 232 and Motor Vehicles. The notice must inform the parent as to:

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233 (a) The terms of the order entered under s. 985.2311.

234 (b) The period of the delinquency and the total amount of
 235 the delinquency as of the date the notice was mailed.

236 (c) Whom to contact in the event that the parent chooses
 237 to take action as provided therein.

238 (2) The notice of delinquency shall inform the parent that
 239 the Department of Highway Safety and Motor Vehicles will be
 240 alerted to the delinquency and authorized to suspend the
 241 parent's driver's license, driving privileges, and motor vehicle
 242 registration unless the parent, within 20 days after the date
 243 the notice is mailed, does one of the following:

244 (a) Pays the delinquency in full, together with any other
 245 costs and fees accrued between the date of the notice and the
 246 date the delinquency is paid.

247 (b) Enters into a written payment agreement with the
 248 department to settle the delinquency.

249 (c) Files a petition with the circuit court to contest the
 250 delinquency action and pays any applicable delinquency fees. If
 251 the parent intends to contest the delinquency action on grounds
 252 of mistake of fact as to the existence of the delinquency or the
 253 identity of the parent, a copy of the petition and notice of
 254 intent must be mailed to the department, at an address specified
 255 pursuant to subsection (1), on the same date that the petition
 256 is filed. The court must conduct a hearing within 15 days after
 257 any timely filed petition and enter an order concerning the
 258 delinquency within 10 days after such hearing. A certified copy
 259 of such order must be served on all parties to the hearing.

260 (3) Upon mailing of the notice of the delinquency as
 261 provided in subsection (1), if the parent fails to take action

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262 as provided in subsection (2), the department shall, in
 263 accordance with s. 322.058, notify the Department of Highway
 264 Safety and Motor Vehicles and request the suspension of the
 265 parent's driving privileges and motor vehicle registration. Any
 266 reinstatement shall be only as provided in s. 322.058.

267 Section 3. Section 322.058, Florida Statutes, is amended
 268 to read:

269 322.058 Suspension of driving privileges due to support
 270 delinquency; reinstatement.--

271 (1) When the department receives notice from the
 272 Department of Juvenile Justice, the Title IV-D agency or
 273 depository, or the clerk of the court that any person licensed
 274 to operate a motor vehicle in the State of Florida under the
 275 provisions of this chapter has a delinquent obligation to pay
 276 fees pursuant to an order issued under s. 985.2311, has a
 277 delinquent support obligation, or has failed to comply with a
 278 subpoena, order to appear, order to show cause, or similar
 279 order, the department shall suspend the driver's license of the
 280 person named in the notice and the registration of all motor
 281 vehicles owned by that person.

282 (2) The department must reinstate the driving privilege
 283 and allow registration of a motor vehicle when the Department of
 284 Juvenile Justice, the Title IV-D agency in IV-D cases or the
 285 depository, or the clerk of the court in non-IV-D cases provides
 286 to the department an affidavit stating that:

287 (a) The person has paid the delinquency;

288 (b) The person has reached a written agreement for payment
 289 with the Department of Juvenile Justice, the Title IV-D agency,
 290 or the obligee in non-IV-D cases;

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291 (c) A court has entered an order granting relief to the
 292 obligor ordering the reinstatement of the license and motor
 293 vehicle registration; or

294 (d) The person has complied with the subpoena, order to
 295 appear, order to show cause, or similar order.

296 (3) The department shall not be held liable for any
 297 license or vehicle registration suspension resulting from the
 298 discharge of its duties under this section.

299 (4) This section applies only to the annual renewal in the
 300 owner's birth month of a motor vehicle registration and does not
 301 apply to the transfer of a registration of a motor vehicle sold
 302 by a motor vehicle dealer licensed under chapter 320, except for
 303 the transfer of registrations which is inclusive of the annual
 304 renewals. This section does not affect the issuance of the title
 305 to a motor vehicle, notwithstanding s. 319.23(7)(b).

306 Section 4. Subsection (5) of section 985.21, Florida
 307 Statutes, is amended to read:

308 985.21 Intake and case management.--

309 (5) Prior to requesting that a delinquency petition be
 310 filed or prior to filing a dependency petition, the juvenile
 311 probation officer may request the parent or legal guardian of
 312 the child to attend a course of instruction in parenting skills,
 313 training in conflict resolution, and the practice of
 314 nonviolence; to accept counseling; or to receive other
 315 assistance from any agency in the community which notifies the
 316 clerk of the court of the availability of its services. Where
 317 appropriate, the juvenile probation officer shall request both
 318 parents or guardians to receive such parental assistance. The
 319 juvenile probation officer may, in determining whether to

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320 request that a delinquency petition be filed, take into
 321 consideration the willingness of the parent or legal guardian to
 322 comply with such request. The parent or guardian must provide
 323 the juvenile probation officer with identifying information,
 324 including the parent's or guardian's name, address, date of
 325 birth, social security number, and driver's license number or
 326 identification card number in order to comply with s. 985.2311
 327 ~~ss. 985.215(6), 985.231(1)(b), and 985.233(4)(d).~~

328 Section 5. Subsection (6) of section 985.215, Florida
 329 Statutes, as amended by section 140 of chapter 2003-402, Laws of
 330 Florida, is amended to read:

331 985.215 Detention.--

332 (6)(a) When any child is placed into secure, ~~nonsecure,~~ or
 333 home detention care or into other placement for the purpose of
 334 being supervised by the Department of Juvenile Justice pursuant
 335 to a court order following a detention hearing, the court shall
 336 order the parents or guardians of such child to pay to the
 337 Department of Juvenile Justice fees as provided under s.
 338 985.2311 ~~in the amount of \$5 per day that the child is under the~~
 339 ~~care or supervision of the department in order to partially~~
 340 ~~offset the cost of the care, support, maintenance, and other~~
 341 ~~usual and ordinary obligations of parents to provide for the~~
 342 ~~needs of their children, unless the court makes a finding on the~~
 343 ~~record that the parent or guardian of the child is indigent.~~

344 ~~(b) At the time of the detention hearing, the department~~
 345 ~~shall report to the court, verbally or in writing, any available~~
 346 ~~information concerning the ability of the parent or guardian of~~
 347 ~~the child to pay such fee. If the court makes a finding of~~
 348 ~~indigence, the parent or guardian shall pay to the department a~~

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349 ~~nominal subsistence fee of \$2 per day that the child is securely~~
 350 ~~detained outside the home or \$1 per day if the child is~~
 351 ~~otherwise detained in lieu of other fees related to the parent's~~
 352 ~~obligation for the child's cost of care. The nominal subsistence~~
 353 ~~fee may only be waived or reduced if the court makes a finding~~
 354 ~~that such payment would constitute a significant financial~~
 355 ~~hardship. Such finding shall be in writing and shall contain a~~
 356 ~~detailed description of the facts that led the court to make~~
 357 ~~both the finding of indigence and the finding of significant~~
 358 ~~financial hardship.~~

359 ~~(c) In addition, the court may reduce the fees or waive~~
 360 ~~the fees as to each parent or guardian if the court makes a~~
 361 ~~finding on the record that the parent or guardian was the victim~~
 362 ~~of the delinquent act or violation of law for which the child is~~
 363 ~~detained and that the parent or guardian is cooperating in the~~
 364 ~~investigation of the offense.~~

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

371 ~~(e) With respect to a child who has been found to have~~
 372 ~~committed a delinquent act or violation of law, whether or not~~
 373 ~~adjudication is withheld, and whose parent or guardian receives~~
 374 ~~public assistance for any portion of that child's care, the~~
 375 ~~department must seek a federal waiver to garnish or otherwise~~
 376 ~~order the payments of the portion of the public assistance~~
 377 ~~relating to that child to offset the costs of providing care,~~

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378 ~~eustody, maintenance, rehabilitation, intervention, or~~
379 ~~corrective services to the child. When the order affects the~~
380 ~~guardianship estate, a certified copy of the order shall be~~
381 ~~delivered to the judge having jurisdiction of the guardianship~~
382 ~~estate.~~

383 ~~(f) The clerk of the circuit court shall act as a~~
384 ~~depository for these fees. Upon each payment received, the clerk~~
385 ~~of the circuit court shall receive a fee from the total payment~~
386 ~~of 3 percent of any payment made except that no fee shall be~~
387 ~~less than \$1 nor more than \$5 per payment made. This fee shall~~
388 ~~serve as a service charge for the administration, management,~~
389 ~~and maintenance of each payment. At the end of each month, the~~
390 ~~clerk of the circuit court shall send all money collected under~~
391 ~~this section to the state Grants and Donations Trust Fund.~~

392 ~~(g) The parent or guardian shall provide to the department~~
393 ~~the parent's or guardian's name, address, social security~~
394 ~~number, date of birth, and driver's license number or~~
395 ~~identification card number and sufficient financial information~~
396 ~~for the department to be able to determine the parent's or~~
397 ~~guardian's ability to pay. If the parent or guardian refuses to~~
398 ~~provide the department with any identifying information or~~
399 ~~financial information, the court shall order the parent to~~
400 ~~comply and may pursue contempt of court sanctions for failure to~~
401 ~~comply.~~

402 ~~(h) The department may employ a collection agency for the~~
403 ~~purpose of receiving, collecting, and managing the payment of~~
404 ~~unpaid and delinquent fees. The collection agency must be~~
405 ~~registered and in good standing under chapter 559. The~~
406 ~~department may pay to the collection agency a fee from the~~

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407 ~~amount collected under the claim or may authorize the agency to~~
 408 ~~deduct the fee from the amount collected. The department may~~
 409 ~~also pay for collection services from available authorized~~
 410 ~~funds.~~

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

416 ~~(j) The Department of Juvenile Justice shall provide to~~
 417 ~~the payor documentation of any amounts paid by the payor to the~~
 418 ~~Department of Juvenile Justice on behalf of the child. All~~
 419 ~~payments received by the department pursuant to this subsection~~
 420 ~~shall be deposited in the state Grants and Donations Trust Fund.~~
 421 ~~Neither the court nor the department may extend the child's~~
 422 ~~length of stay in detention care solely for the purpose of~~
 423 ~~collecting fees.~~

424 Section 6. Paragraph (b) of subsection (1) of section
 425 985.231, Florida Statutes, as amended by section 141 of chapter
 426 2003-402, Laws of Florida, is amended to read:

427 985.231 Powers of disposition in delinquency cases.--

428 (1)

429 (b)~~1~~. When any child is found adjudicated by the court to
 430 have committed a delinquent act and is placed on probation,
 431 regardless of adjudication, under the supervision of or in the
 432 temporary legal custody of the child has been placed with a
 433 licensed child-caring agency or the Department of Juvenile
 434 Justice, the court shall order the parents of such child to pay
 435 fees to the department as provided under s. 985.2311 in the

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436 ~~amount of \$5 per day that the child is under the care or~~
437 ~~supervision of the department in order to partially offset the~~
438 ~~cost of the care, support, maintenance, and other usual and~~
439 ~~ordinary obligations of parents to provide for the needs of~~
440 ~~their children while in the recommended residential commitment~~
441 ~~level, unless the court makes a finding on the record that the~~
442 ~~parent or guardian of the child is indigent.~~

443 2. ~~No later than the disposition hearing, the department~~
444 ~~shall provide the court with information concerning the actual~~
445 ~~cost of care, support, and maintenance of the child in the~~
446 ~~recommended residential commitment level and concerning the~~
447 ~~ability of the parent or guardian of the child to pay any fees.~~
448 ~~If the court makes a finding of indigence, the parent or~~
449 ~~guardianship shall pay to the department a nominal subsistence~~
450 ~~fee of \$2 per day that the child is committed outside the home~~
451 ~~or \$1 per day if the child is otherwise supervised in lieu of~~
452 ~~other fees related to the parents' obligation for the child's~~
453 ~~cost of care. The nominal subsistence fee may only be waived or~~
454 ~~reduced if the court makes a finding that such payment would~~
455 ~~constitute a significant financial hardship. Such finding shall~~
456 ~~be in writing and shall contain a detailed description of the~~
457 ~~facts that led the court to make both the finding of indigence~~
458 ~~and the finding of significant financial hardship.~~

459 3. ~~In addition, the court may reduce the fees or waive the~~
460 ~~fees as to each parent or guardian if the court makes a finding~~
461 ~~on the record that the parent or guardian was the victim of the~~
462 ~~delinquent act or violation of law for which the child is~~
463 ~~subject to placement under this section and that the parent or~~
464 ~~guardian has cooperated in the investigation and prosecution of~~

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465 ~~the offense.~~

466 ~~4. All orders committing a child to a residential~~
 467 ~~commitment program shall include specific findings as to what~~
 468 ~~fees are ordered, reduced, or waived. If the court fails to~~
 469 ~~enter an order as required by this paragraph, it shall be~~
 470 ~~presumed that the court intended the parent or guardian to pay~~
 471 ~~fees to the department in an amount of \$5 per day related to the~~
 472 ~~care, support, and maintenance of the child. With regard to a~~
 473 ~~child who reaches the age of 18 prior to the disposition~~
 474 ~~hearing, the court may elect to direct an order required by this~~
 475 ~~paragraph to such child, rather than the parent or guardian.~~
 476 ~~With regard to a child who reaches the age of 18 while in the~~
 477 ~~custody of the department, the court may, upon proper motion of~~
 478 ~~any party, hold a hearing as to whether any party should be~~
 479 ~~further obligated respecting the payment of fees. When the order~~
 480 ~~affects the guardianship estate, a certified copy of the order~~
 481 ~~shall be delivered to the judge having jurisdiction of the~~
 482 ~~guardianship estate.~~

483 ~~5. The clerk of the circuit court shall act as a~~
 484 ~~depository for these fees. Upon each payment received, the clerk~~
 485 ~~of the circuit court shall receive a fee from the total payment~~
 486 ~~of 3 percent of any payment made except that no fee shall be~~
 487 ~~less than \$1 nor more than \$5 per payment made. This fee shall~~
 488 ~~serve as a service charge for the administration, management,~~
 489 ~~and maintenance of each payment. At the end of each month, the~~
 490 ~~clerk of the circuit court shall send all money collected under~~
 491 ~~this section to the state Grants and Donations Trust Fund.~~

492 ~~6. The parent or guardian shall provide to the department~~
 493 ~~the parent or guardian's name, address, social security number,~~

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494 ~~state of birth, and driver's license number or identification~~
495 ~~card number and sufficient financial information for the~~
496 ~~department to be able to determine the parent or guardian's~~
497 ~~ability to pay. If the parent or guardian refuses to provide the~~
498 ~~department with any identifying information or financial~~
499 ~~information, the court shall order the parent to comply and may~~
500 ~~pursue contempt of court sanctions for failure to comply.~~

501 ~~7. The department may employ a collection agency for the~~
502 ~~purpose of receiving, collecting, and managing the payment of~~
503 ~~unpaid and delinquent fees. The collection agency must be~~
504 ~~registered and in good standing under chapter 559. The~~
505 ~~department may pay to the collection agency a fee from the~~
506 ~~amount collected under the claim or may authorize the agency to~~
507 ~~deduct the fee from the amount collected. The department may~~
508 ~~also pay for collection services from available authorized~~
509 ~~funds.~~

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

515 ~~9. The Department of Juvenile Justice shall provide to the~~
516 ~~payor documentation of any amounts paid by the payor to the~~
517 ~~Department of Juvenile Justice on behalf of the child. All~~
518 ~~payments received by the department pursuant to this subsection~~
519 ~~shall be deposited in the state Grants and Donations Trust Fund.~~

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

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523 Section 7. Paragraph (d) of subsection (4) of section
 524 985.233, Florida Statutes, as amended by section 142 of chapter
 525 2003-402, Laws of Florida, is amended to read:

526 985.233 Sentencing powers; procedures; alternatives for
 527 juveniles prosecuted as adults.--

528 (4) SENTENCING ALTERNATIVES.--

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

531 ~~1.~~ When the court orders any child to be supervised by or
 532 committed ~~commitment of a child~~ to the Department of Juvenile
 533 Justice for treatment in any of the department's programs for
 534 children, the court shall order the parents of such child to pay
 535 fees as provided under s. 985.2311 ~~in the amount of \$5 per day~~
 536 ~~that the child is under the care or supervision of the~~
 537 ~~department in order to partially offset the cost of the care,~~
 538 ~~support, maintenance, and other usual and ordinary obligations~~
 539 ~~of parents to provide for the needs of their children, unless~~
 540 ~~the court makes a finding on the record that the parent or legal~~
 541 ~~guardian of the child is indigent.~~

542 ~~2.~~ ~~Prior to commitment, the department shall provide the~~
 543 ~~court with information concerning the actual cost of care in the~~
 544 ~~recommended residential commitment level and concerning the~~
 545 ~~ability of the parent or guardian of the child to pay specified~~
 546 ~~fees. If the court makes a finding of indigency, the parent or~~
 547 ~~guardian shall pay to the department a nominal subsistence fee~~
 548 ~~of \$2 per day that the child is committed outside the home or \$1~~
 549 ~~per day if the child is otherwise supervised in lieu of other~~
 550 ~~fees related to the parent's obligation for the child's cost of~~
 551 ~~care. The nominal subsistence fee may only be waived or reduced~~

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552 ~~if the court makes a finding that such payment would constitute~~
553 ~~a significant financial hardship. Such finding shall be in~~
554 ~~writing and shall contain a detailed description of the facts~~
555 ~~that led the court to make both the finding of indigency and the~~
556 ~~finding of significant financial hardship.~~

557 ~~3. In addition, the court may reduce the fees or waive the~~
558 ~~fees as to each parent or guardian if the court makes a finding~~
559 ~~on the record that the parent or guardian was the victim of the~~
560 ~~delinquent act or violation of law for which the child is~~
561 ~~subject to commitment under this section and that the parent or~~
562 ~~guardian has cooperated in the investigation and prosecution of~~
563 ~~the offense. When the order affects the guardianship estate, a~~
564 ~~certified copy of the order shall be delivered to the judge~~
565 ~~having jurisdiction of the guardianship estate.~~

566 ~~4. All orders committing a child to a residential~~
567 ~~commitment program shall include specific findings as to what~~
568 ~~fees are ordered, reduced, or waived. If the court fails to~~
569 ~~enter an order as required by this paragraph, it shall be~~
570 ~~presumed that the court intended the parent or guardian to pay~~
571 ~~fees to the department in an amount of \$5 per day related to the~~
572 ~~care, support, and maintenance of the child. With regard to a~~
573 ~~child who reaches the age of 18 prior to the disposition~~
574 ~~hearing, the court may elect to direct an order required by this~~
575 ~~paragraph to such child, rather than the parent or guardian.~~
576 ~~With regard to a child who reaches the age of 18 while in the~~
577 ~~eustody of the department, the court may, upon proper motion of~~
578 ~~any party, hold a hearing as to whether any party should be~~
579 ~~further obligated respecting the payment of fees.~~

580 ~~5. The clerk of the circuit court shall act as a~~

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581 ~~depository for these fees. Upon each payment received, the clerk~~
 582 ~~of the circuit court shall receive a fee from the total payment~~
 583 ~~of 3 percent of any payment made except that no fee shall be~~
 584 ~~less than \$1 nor more than \$5 per payment made. This fee shall~~
 585 ~~serve as a service charge for the administration, management,~~
 586 ~~and maintenance of each payment. At the end of each month, the~~
 587 ~~clerk of the circuit court shall send all money collected under~~
 588 ~~this section to the state Grants and Donations Trust Fund.~~

589 ~~6. The parent or guardian shall provide to the department~~
 590 ~~the parent or guardian's name, address, social security number,~~
 591 ~~date of birth, and driver's license number or identification~~
 592 ~~card number and sufficient financial information for the~~
 593 ~~department to be able to determine the parent or guardian's~~
 594 ~~ability to pay. If the parent or guardian refuses to provide the~~
 595 ~~department with any identifying information or financial~~
 596 ~~information, the court shall order the parent to comply and may~~
 597 ~~pursue contempt of court sanctions for failure to comply.~~

598 ~~7. The department may employ a collection agency for the~~
 599 ~~purpose of receiving, collecting, and managing the payment of~~
 600 ~~unpaid and delinquent fees. The collection agency must be~~
 601 ~~registered and in good standing under chapter 559. The~~
 602 ~~department may pay to the collection agency a fee from the~~
 603 ~~amount collected under the claim or may authorize the agency to~~
 604 ~~deduct the fee from the amount collected. The department may~~
 605 ~~also pay for collection services from available authorized~~
 606 ~~funds. The Department of Juvenile Justice shall provide to the~~
 607 ~~payor documentation of any amounts paid by the payor to the~~
 608 ~~Department of Juvenile Justice on behalf of the child. All~~
 609 ~~payments received by the department pursuant to this subsection~~

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610 ~~shall be deposited in the state Grants and Donations Trust Fund.~~

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

614
 615 It is the intent of the Legislature that the criteria and
 616 guidelines in this subsection are mandatory and that a
 617 determination of disposition under this subsection is subject to
 618 the right of the child to appellate review under s. 985.234.

619 Section 8. For the purpose of incorporating the amendment
 620 to section 322.058, Florida Statutes, in a reference thereto,
 621 section 322.059, Florida Statutes, is reenacted to read:

622 322.059 Mandatory surrender of suspended driver's license
 623 and registration.--Any person whose driver's license or
 624 registration has been suspended as provided in s. 322.058 must
 625 immediately return his or her driver's license and registration
 626 to the Department of Highway Safety and Motor Vehicles. If such
 627 person fails to return his or her driver's license or
 628 registration, any law enforcement agent may seize the license or
 629 registration while the driver's license or registration is
 630 suspended.

631 Section 9. This act shall take effect October 1, 2004.