

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

HB 1851, Engrossed 2

2004

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"; amending s.  
46 985.21, F.S.; revising cross references, to conform;  
47 amending s. 985.215, F.S.; requiring the court to order a  
48 parent to pay fees associated with the cost of the  
49 supervision or care of any child placed on detention  
50 status with the department; providing a cross reference;  
51 deleting provisions relating to the assessment and  
52 collection of fees associated with the cost of such care  
53 to conform; amending s. 985.231, F.S.; requiring the court  
54 to order a parent to pay fees associated with the cost of  
55 the supervision or care of any child found to have  
56 committed a delinquent act, regardless of adjudication,  
57 and placed under the supervision or in the temporary  
58 custody of the department; providing a cross reference;

59 deleting provisions relating to the assessment and  
 60 collection of fees associated with the cost of such  
 61 supervision or care to conform; amending s. 985.233, F.S.;  
 62 providing for the recoupment of the cost of supervision or  
 63 care in juvenile justice programs or facilities; requiring  
 64 the court to order a parent to pay fees associated with  
 65 the cost of the supervision or care of any child  
 66 supervised by or committed to the department; providing a  
 67 cross reference; deleting provisions relating to the  
 68 assessment and collection of fees associated with the cost  
 69 of such supervision or care to conform; requiring the  
 70 court to reduce the fees owed by parents or guardians for  
 71 the cost of a child's care or supervision by the  
 72 department in certain circumstances where the parent or  
 73 guardian successfully completes a parenting course;  
 74 providing a limit on the amount that such fees may be  
 75 reduced; providing for the future repeal of the  
 76 requirement; providing an effective date.

77  
 78 Be It Enacted by the Legislature of the State of Florida:

79  
 80 Section 1. Section 985.2311, Florida Statutes, is created  
 81 to read:

82 985.2311 Cost of supervision; cost of care.--

83 (1) Except as provided in subsection (3) or subsection  
 84 (4):

85 (a) When any child is placed into home detention,  
 86 probation, or other supervision status with the Department of  
 87 Juvenile Justice, the court shall order the parent of such child

HB 1851, Engrossed 2

2004

88 to pay to the department a fee for the cost of the supervision  
89 of such child in the amount of \$1 per day for each day that the  
90 child is in supervision status.

91 (b) When any child is placed into secure detention or  
92 placed on committed status and the temporary legal custody of  
93 such child is placed with the Department of Juvenile Justice,  
94 the court shall order the parent of such child to pay to the  
95 department a fee for the cost of the care of such child in the  
96 amount of \$5 per day for each day that the child is in the  
97 temporary legal custody of the department.

98 (2) The parent of any child who has been placed under the  
99 supervision or care of the department shall provide to the  
100 department his or her name, address, social security number,  
101 date of birth, driver's license number or identification card  
102 number, and sufficient financial information so as to assist the  
103 court in determining the parent's ability to pay any fee  
104 associated with the cost of the child's supervision or care. If  
105 the parent refuses to provide the department with the  
106 information required by this subsection, the court shall order  
107 the parent to provide such information. The failure of the  
108 parent to comply with such order of the court constitutes  
109 contempt of court, and the court may punish the parent  
110 accordingly.

111 (3) At the time of any detention or disposition hearing,  
112 the court shall receive the information described in subsection  
113 (2), as well as any other verbal or written information offered  
114 as to the ability of the parent of a child who is being placed  
115 under the supervision or care of the department to pay any fee  
116 imposed pursuant to this section and whether the payment of such

HB 1851, Engrossed 2

2004

117 fee will create a significant financial hardship. The court may  
118 apportion the obligation for the fee to each parent in a manner  
119 it deems appropriate; however, the total amount of the daily fee  
120 may not exceed the amounts specified in this section. Any  
121 finding made by the court as to the ability of the parent to pay  
122 such fee, including any finding of indigency or significant  
123 financial hardship, shall be in writing and shall contain a  
124 detailed description of the facts supporting such finding. If  
125 the court makes a finding of indigency and significant financial  
126 hardship, the court shall waive the fee or reduce it to an  
127 amount deemed appropriate.

128 (4) Notwithstanding subsection (3), the court may reduce  
129 or waive the fee as to each parent if the court makes a finding  
130 on the record that the parent was the victim of the delinquent  
131 act or violation of law for which the child has been placed  
132 under the supervision or care of the department and that the  
133 parent is cooperating or has cooperated with the investigation  
134 of the offense.

135 (5) The court shall order the payment of any fees required  
136 in this section as part of the detention or disposition order.  
137 Such order must include specific written findings as to what  
138 fees are ordered, reduced, or waived. If the court fails to  
139 enter an order as required by this section, the parent is deemed  
140 to have an obligation to pay to the department a fee in the  
141 amount of \$1 per day for each day that the child is under the  
142 supervision of the department and \$5 per day for each day that  
143 the child remains in the care of the department.

144 (6) Notwithstanding subsection (1), with respect to a  
145 child who reaches the age of 18 prior to the detention or

146 disposition hearing, the court may elect to direct an order  
147 required by this section to such child, rather than to the  
148 child's parent. With regard to a child who reaches 18 while  
149 under the supervision or care of the department, the court may,  
150 upon proper motion of any party, hold a hearing as to whether  
151 any party should be further obligated to pay any fee associated  
152 with cost of the supervision or care of such child. If the court  
153 does not enter an order under this subsection, it shall be  
154 presumed that the court intended for the parent to pay or to  
155 continue to pay the fees specified in this section. Any order  
156 entered pursuant to this subsection must include specific  
157 findings as to what fees are ordered, reduced, or waived as to  
158 the child.

159 (7) With respect to a child who has been placed under the  
160 supervision or care of the department and whose parent receives  
161 public assistance for any portion of such child's care, the  
162 department must seek a federal waiver to garnish or otherwise  
163 order the payment of a portion of the public assistance relating  
164 to such child, in an amount not to exceed the amount of the  
165 parent's obligation, in order to offset the costs to the  
166 department associated with providing supervision or care of such  
167 child.

168 (8) If any order entered pursuant to this section affects  
169 the guardianship of an estate, a certified copy of such order  
170 shall be delivered to the judge having jurisdiction over the  
171 guardianship of the estate.

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

HB 1851, Engrossed 2

2004

175 delinquent or unpaid for 90 days or more. The collection agency  
 176 must be registered and in good standing under chapter 559. The  
 177 department may pay for the services of the collection agency  
 178 from available authorized funds or from funds generated by any  
 179 collections under this subsection. Alternatively, the department  
 180 may authorize the collection agency to withhold a specified  
 181 amount of any fee collected as payment for its services.

182 (10) The department or the collection agency shall provide  
 183 to the payor documentation of the payment of any fee paid  
 184 pursuant to this section. Except as provided in subsection (9),  
 185 all payments received by the department or the collection agency  
 186 pursuant to this section shall be deposited in the state Grants  
 187 and Donations Trust Fund within the Department of Juvenile  
 188 Justice.

189 (11) Under no circumstance shall the court or the  
 190 department extend the child's length of stay in the department's  
 191 supervision or care solely for the purpose of collecting the  
 192 fees specified in this section.

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

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

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

201  
 202 If any funds are paid for the supervision or care of a child who  
 203 is determined not to meet the criteria specified in paragraph

HB 1851, Engrossed 2

2004

204 (a) or paragraph (b), such funds shall be refunded to the payor  
 205 forthwith.

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

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

211 985.21 Intake and case management.--

212 (5) Prior to requesting that a delinquency petition be  
 213 filed or prior to filing a dependency petition, the juvenile  
 214 probation officer may request the parent or legal guardian of  
 215 the child to attend a course of instruction in parenting skills,  
 216 training in conflict resolution, and the practice of  
 217 nonviolence; to accept counseling; or to receive other  
 218 assistance from any agency in the community which notifies the  
 219 clerk of the court of the availability of its services. Where  
 220 appropriate, the juvenile probation officer shall request both  
 221 parents or guardians to receive such parental assistance. The  
 222 juvenile probation officer may, in determining whether to  
 223 request that a delinquency petition be filed, take into  
 224 consideration the willingness of the parent or legal guardian to  
 225 comply with such request. The parent or guardian must provide  
 226 the juvenile probation officer with identifying information,  
 227 including the parent's or guardian's name, address, date of  
 228 birth, social security number, and driver's license number or  
 229 identification card number in order to comply with s. 985.2311  
 230 ~~ss. 985.215(6), 985.231(1)(b), and 985.233(4)(d).~~

231 Section 3. Subsection (6) of section 985.215, Florida  
 232 Statutes, as amended by section 140 of chapter 2003-402, Laws of



HB 1851, Engrossed 2

2004

233 Florida, is amended to read:

234 985.215 Detention.--

235 (6)(a) When any child is placed into secure, ~~nonsecure,~~ or  
 236 home detention care or into other placement for the purpose of  
 237 being supervised by the Department of Juvenile Justice pursuant  
 238 to a court order following a detention hearing, the court shall  
 239 order the parents or guardians of such child to pay to the  
 240 Department of Juvenile Justice fees as provided under s.

241 985.2311 ~~in the amount of \$5 per day that the child is under the~~  
 242 ~~care or supervision of the department in order to partially~~  
 243 ~~offset the cost of the care, support, maintenance, and other~~  
 244 ~~usual and ordinary obligations of parents to provide for the~~  
 245 ~~needs of their children, unless the court makes a finding on the~~  
 246 ~~record that the parent or guardian of the child is indigent.~~

247 ~~(b) At the time of the detention hearing, the department~~  
 248 ~~shall report to the court, verbally or in writing, any available~~  
 249 ~~information concerning the ability of the parent or guardian of~~  
 250 ~~the child to pay such fee. If the court makes a finding of~~  
 251 ~~indigence, the parent or guardian shall pay to the department a~~  
 252 ~~nominal subsistence fee of \$2 per day that the child is securely~~  
 253 ~~detained outside the home or \$1 per day if the child is~~  
 254 ~~otherwise detained in lieu of other fees related to the parent's~~  
 255 ~~obligation for the child's cost of care. The nominal subsistence~~  
 256 ~~fee may only be waived or reduced if the court makes a finding~~  
 257 ~~that such payment would constitute a significant financial~~  
 258 ~~hardship. Such finding shall be in writing and shall contain a~~  
 259 ~~detailed description of the facts that led the court to make~~  
 260 ~~both the finding of indigence and the finding of significant~~  
 261 ~~financial hardship.~~

HB 1851, Engrossed 2

2004

262 ~~(c) In addition, the court may reduce the fees or waive~~  
263 ~~the fees as to each parent or guardian if the court makes a~~  
264 ~~finding on the record that the parent or guardian was the victim~~  
265 ~~of the delinquent act or violation of law for which the child is~~  
266 ~~detained and that the parent or guardian is cooperating in the~~  
267 ~~investigation of the offense.~~

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

274 ~~(e) With respect to a child who has been found to have~~  
275 ~~committed a delinquent act or violation of law, whether or not~~  
276 ~~adjudication is withheld, and whose parent or guardian receives~~  
277 ~~public assistance for any portion of that child's care, the~~  
278 ~~department must seek a federal waiver to garnish or otherwise~~  
279 ~~order the payments of the portion of the public assistance~~  
280 ~~relating to that child to offset the costs of providing care,~~  
281 ~~custody, maintenance, rehabilitation, intervention, or~~  
282 ~~corrective services to the child. When the order affects the~~  
283 ~~guardianship estate, a certified copy of the order shall be~~  
284 ~~delivered to the judge having jurisdiction of the guardianship~~  
285 ~~estate.~~

286 ~~(f) The clerk of the circuit court shall act as a~~  
287 ~~depository for these fees. Upon each payment received, the clerk~~  
288 ~~of the circuit court shall receive a fee from the total payment~~  
289 ~~of 3 percent of any payment made except that no fee shall be~~  
290 ~~less than \$1 nor more than \$5 per payment made. This fee shall~~

HB 1851, Engrossed 2

2004

291 ~~serve as a service charge for the administration, management,~~  
 292 ~~and maintenance of each payment. At the end of each month, the~~  
 293 ~~clerk of the circuit court shall send all money collected under~~  
 294 ~~this section to the state Grants and Donations Trust Fund.~~

295 ~~(g) The parent or guardian shall provide to the department~~  
 296 ~~the parent's or guardian's name, address, social security~~  
 297 ~~number, date of birth, and driver's license number or~~  
 298 ~~identification card number and sufficient financial information~~  
 299 ~~for the department to be able to determine the parent's or~~  
 300 ~~guardian's ability to pay. If the parent or guardian refuses to~~  
 301 ~~provide the department with any identifying information or~~  
 302 ~~financial information, the court shall order the parent to~~  
 303 ~~comply and may pursue contempt of court sanctions for failure to~~  
 304 ~~comply.~~

305 ~~(h) The department may employ a collection agency for the~~  
 306 ~~purpose of receiving, collecting, and managing the payment of~~  
 307 ~~unpaid and delinquent fees. The collection agency must be~~  
 308 ~~registered and in good standing under chapter 559. The~~  
 309 ~~department may pay to the collection agency a fee from the~~  
 310 ~~amount collected under the claim or may authorize the agency to~~  
 311 ~~deduct the fee from the amount collected. The department may~~  
 312 ~~also pay for collection services from available authorized~~  
 313 ~~funds.~~

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

319 ~~(j) The Department of Juvenile Justice shall provide to~~

HB 1851, Engrossed 2

2004

320 ~~the payor documentation of any amounts paid by the payor to the~~  
 321 ~~Department of Juvenile Justice on behalf of the child. All~~  
 322 ~~payments received by the department pursuant to this subsection~~  
 323 ~~shall be deposited in the state Grants and Donations Trust Fund.~~  
 324 ~~Neither the court nor the department may extend the child's~~  
 325 ~~length of stay in detention care solely for the purpose of~~  
 326 ~~collecting fees.~~

327 Section 4. Paragraph (b) of subsection (1) of section  
 328 985.231, Florida Statutes, as amended by section 141 of chapter  
 329 2003-402, Laws of Florida, is amended to read:

330 985.231 Powers of disposition in delinquency cases.--

331 (1)

332 (b)~~1~~. When any child is found adjudicated by the court to  
 333 have committed a delinquent act and is placed on probation,  
 334 regardless of adjudication, under the supervision of or in the  
 335 temporary legal custody of the child has been placed with a  
 336 licensed child-caring agency or the Department of Juvenile  
 337 Justice, the court shall order the parents of such child to pay  
 338 fees to the department as provided under s. 985.2311 in the  
 339 amount of \$5 per day that the child is under the care or  
 340 supervision of the department in order to partially offset the  
 341 cost of the care, support, maintenance, and other usual and  
 342 ordinary obligations of parents to provide for the needs of  
 343 their children while in the recommended residential commitment  
 344 level, unless the court makes a finding on the record that the  
 345 parent or guardian of the child is indigent.

346 ~~2. No later than the disposition hearing, the department~~  
 347 ~~shall provide the court with information concerning the actual~~  
 348 ~~cost of care, support, and maintenance of the child in the~~

HB 1851, Engrossed 2

2004

349 ~~recommended residential commitment level and concerning the~~  
350 ~~ability of the parent or guardian of the child to pay any fees.~~  
351 ~~If the court makes a finding of indigence, the parent or~~  
352 ~~guardianship shall pay to the department a nominal subsistence~~  
353 ~~fee of \$2 per day that the child is committed outside the home~~  
354 ~~or \$1 per day if the child is otherwise supervised in lieu of~~  
355 ~~other fees related to the parents' obligation for the child's~~  
356 ~~cost of care. The nominal subsistence fee may only be waived or~~  
357 ~~reduced if the court makes a finding that such payment would~~  
358 ~~constitute a significant financial hardship. Such finding shall~~  
359 ~~be in writing and shall contain a detailed description of the~~  
360 ~~facts that led the court to make both the finding of indigence~~  
361 ~~and the finding of significant financial hardship.~~

362 ~~3. In addition, the court may reduce the fees or waive the~~  
363 ~~fees as to each parent or guardian if the court makes a finding~~  
364 ~~on the record that the parent or guardian was the victim of the~~  
365 ~~delinquent act or violation of law for which the child is~~  
366 ~~subject to placement under this section and that the parent or~~  
367 ~~guardian has cooperated in the investigation and prosecution of~~  
368 ~~the offense.~~

369 ~~4. All orders committing a child to a residential~~  
370 ~~commitment program shall include specific findings as to what~~  
371 ~~fees are ordered, reduced, or waived. If the court fails to~~  
372 ~~enter an order as required by this paragraph, it shall be~~  
373 ~~presumed that the court intended the parent or guardian to pay~~  
374 ~~fees to the department in an amount of \$5 per day related to the~~  
375 ~~care, support, and maintenance of the child. With regard to a~~  
376 ~~child who reaches the age of 18 prior to the disposition~~  
377 ~~hearing, the court may elect to direct an order required by this~~

HB 1851, Engrossed 2

2004

378 ~~paragraph to such child, rather than the parent or guardian.~~  
379 ~~With regard to a child who reaches the age of 18 while in the~~  
380 ~~eustody of the department, the court may, upon proper motion of~~  
381 ~~any party, hold a hearing as to whether any party should be~~  
382 ~~further obligated respecting the payment of fees. When the order~~  
383 ~~affects the guardianship estate, a certified copy of the order~~  
384 ~~shall be delivered to the judge having jurisdiction of the~~  
385 ~~guardianship estate.~~

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

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

404 ~~7. The department may employ a collection agency for the~~  
405 ~~purpose of receiving, collecting, and managing the payment of~~  
406 ~~unpaid and delinquent fees. The collection agency must be~~

407 ~~registered and in good standing under chapter 559. The~~  
 408 ~~department may pay to the collection agency a fee from the~~  
 409 ~~amount collected under the claim or may authorize the agency to~~  
 410 ~~deduct the fee from the amount collected. The department may~~  
 411 ~~also pay for collection services from available authorized~~  
 412 ~~funds.~~

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

418 ~~9. The Department of Juvenile Justice shall provide to the~~  
 419 ~~payor documentation of any amounts paid by the payor to the~~  
 420 ~~Department of Juvenile Justice on behalf of the child. All~~  
 421 ~~payments received by the department pursuant to this subsection~~  
 422 ~~shall be deposited in the state Grants and Donations Trust Fund.~~

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

426 Section 5. Paragraph (d) of subsection (4) of section  
 427 985.233, Florida Statutes, as amended by section 142 of chapter  
 428 2003-402, Laws of Florida, is amended to read:

429 985.233 Sentencing powers; procedures; alternatives for  
 430 juveniles prosecuted as adults.--

431 (4) SENTENCING ALTERNATIVES.--

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

434 ~~1. When the court orders any child to be supervised by or~~  
 435 ~~committed ~~commitment~~ of a child to the Department of Juvenile~~

HB 1851, Engrossed 2

2004

436 Justice for treatment in any of the department's programs for  
437 children, the court shall order the parents of such child to pay  
438 fees as provided under s. 985.2311 ~~in the amount of \$5 per day~~  
439 ~~that the child is under the care or supervision of the~~  
440 ~~department in order to partially offset the cost of the care,~~  
441 ~~support, maintenance, and other usual and ordinary obligations~~  
442 ~~of parents to provide for the needs of their children, unless~~  
443 ~~the court makes a finding on the record that the parent or legal~~  
444 ~~guardian of the child is indigent.~~

445 2. ~~Prior to commitment, the department shall provide the~~  
446 ~~court with information concerning the actual cost of care in the~~  
447 ~~recommended residential commitment level and concerning the~~  
448 ~~ability of the parent or guardian of the child to pay specified~~  
449 ~~fees. If the court makes a finding of indigency, the parent or~~  
450 ~~guardian shall pay to the department a nominal subsistence fee~~  
451 ~~of \$2 per day that the child is committed outside the home or \$1~~  
452 ~~per day if the child is otherwise supervised in lieu of other~~  
453 ~~fees related to the parent's obligation for the child's cost of~~  
454 ~~care. The nominal subsistence fee may only be waived or reduced~~  
455 ~~if the court makes a finding that such payment would constitute~~  
456 ~~a significant financial hardship. Such finding shall be in~~  
457 ~~writing and shall contain a detailed description of the facts~~  
458 ~~that led the court to make both the finding of indigency and the~~  
459 ~~finding of significant financial hardship.~~

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



HB 1851, Engrossed 2

2004

465 ~~guardian has cooperated in the investigation and prosecution of~~  
466 ~~the offense. When the order affects the guardianship estate, a~~  
467 ~~certified copy of the order shall be delivered to the judge~~  
468 ~~having jurisdiction of the guardianship estate.~~

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

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,~~

HB 1851, Engrossed 2

2004

494 ~~date 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. The Department of Juvenile Justice shall provide to the~~  
 510 ~~payor documentation of any amounts paid by the payor to the~~  
 511 ~~Department of Juvenile Justice on behalf of the child. All~~  
 512 ~~payments received by the department pursuant to this subsection~~  
 513 ~~shall be deposited in the state Grants and Donations Trust Fund.~~

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

517  
 518 It is the intent of the Legislature that the criteria and  
 519 guidelines in this subsection are mandatory and that a  
 520 determination of disposition under this subsection is subject to  
 521 the right of the child to appellate review under s. 985.234.

522 Section 6. Notwithstanding any contrary provision of s.

HB 1851, Engrossed 2

2004

523 985.2311, Florida Statutes, for the period beginning July 1,  
 524 2004 through June 30, 2005, the court shall reduce the fees  
 525 required under that section for parents or guardians of children  
 526 whose cases come before the juvenile court in the Ninth Judicial  
 527 Circuit who successfully complete a voluntary parenting course  
 528 approved by the Department of Juvenile Justice. The amount of  
 529 the reduction shall be equivalent to 20 percent of the  
 530 obligation owed by the parent or guardian for such fees;  
 531 however, the total value of the reduction shall not exceed \$450.  
 532 The parent or guardian shall be responsible for any balance of  
 533 fees associated with the cost of the child's supervision or care  
 534 that remains after the application of the reduction authorized  
 535 under this section. Any reduction in the amount of the  
 536 obligation owed by the parent or guardian pursuant to an order  
 537 of the court shall be contingent upon the agreement of the  
 538 parent or guardian to stay current in his or her obligation for  
 539 the remaining fees owed and to successfully complete the  
 540 parenting course and present the department with notarized  
 541 documentation of such completion. The court shall proceed under  
 542 its contempt authority against any parent or guardian who, after  
 543 having agreed to such conditions, fails to stay current in his  
 544 or her obligation for the remaining balance of fees or who fails  
 545 to successfully complete the parenting course. Upon a finding of  
 546 contempt, the court shall require the parent or guardian to pay  
 547 the full amount of the fees as provided under s. 985.2311,  
 548 Florida Statutes. A parent or guardian may only have fees  
 549 reduced under this section once. This section shall expire June  
 550 30, 2005.

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