

By Senator Simon

3-00545-23

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1 A bill to be entitled
2 An act relating to costs of supervision or care;
3 amending s. 985.039, F.S.; prohibiting a child,
4 including a child who is found to be dependent, or the
5 child's parent or legal guardian or a young adult
6 eligible for continued care from being ordered or
7 deemed obligated to pay any fees for the cost of
8 supervision or cost of care; providing that on or
9 after a specified date the balance of any cost-of-
10 supervision or cost-of-care fees ordered or deemed
11 obligated pursuant to specified provisions against
12 certain persons are unenforceable and uncollectable;
13 providing that as of a specified date, the portion of
14 a court order imposing such costs is vacated;
15 prohibiting any necessary procedures from requiring
16 any affirmative action on the part of the affected
17 persons; requiring the vacatur and discharge of all
18 such fees by a specified date; providing that on or
19 after a specified date all unsatisfied civil judgments
20 or portions thereof for certain unpaid fees against
21 certain persons are deemed null and void and are
22 vacated and discharged; prohibiting any necessary
23 procedures from requiring any affirmative action on
24 the part of the affected persons; requiring the
25 vacatur and discharge of all such civil judgments by a
26 specified date; providing that on or after a specified
27 date certain warrants issued solely on the alleged
28 failure of certain persons to pay or appear to pay
29 certain fees are deemed null and void; prohibiting any

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30 necessary procedures from requiring any affirmative
31 action on the part of the affected persons; requiring
32 the rescinding and expungement of all such warrants by
33 a specified date; providing that on or after a
34 specified date certain persons who have had their
35 driver license suspended solely for nonpayment of
36 cost-of-supervision or cost-of care-fees are
37 immediately eligible to have their driver licenses
38 reinstated; deleting provisions requiring the parent
39 of certain children to pay specified fees for the cost
40 of supervision or cost of care; deleting provisions
41 requiring the parent of certain children to provide
42 specified information to the department or a court;
43 deleting provisions relating to a court receiving
44 information and making determinations regarding a
45 parent's ability to pay; deleting provisions requiring
46 a court to order the payment of certain fees; deleting
47 provisions authorizing a court to order that a child
48 pay certain fees; deleting provisions requiring the
49 department to seek a certain federal waiver; deleting
50 provisions authorizing the department to employ and
51 work with a collections agency; deleting a definition;
52 amending ss. 985.145 and 985.514, F.S.; conforming
53 provisions to changes made by the act; providing an
54 effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Section 985.039, Florida Statutes, is amended to

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59 read:

60 985.039 Cost of supervision; cost of care.-

61 (1) A child, including a child who is found to be dependent
62 as defined in s. 39.01, or the child's parent or legal guardian,
63 or a young adult eligible for continued care pursuant to s.
64 39.6251 may not be ordered or deemed obligated to pay any fees
65 for the cost of supervision or cost of care.

66 (2) (a) On or after July 1, 2023, the balance of any cost-
67 of-supervision or cost-of-care fees ordered or deemed obligated
68 against a child, including a child who is found to be dependent
69 as defined in s. 39.01, or the child's parent or legal guardian,
70 pursuant to former s. 985.039, Florida Statutes 2023, is
71 unenforceable and uncollectable, and on January 1, 2024, the
72 portion of the court order imposing those costs is vacated.

73 (b) Any procedures necessary to accomplish the purposes of
74 this subsection may not require any affirmative action on the
75 part of any child, including a child who is found to be
76 dependent as defined in s. 39.01, or the child's parent or legal
77 guardian subject to such fees. Such procedures must be designed
78 and implemented so as to accomplish the vacatur and discharge of
79 all such fees by January 1, 2024.

80 (3) (a) On or after July 1, 2023, all unsatisfied civil
81 judgments, or portions of judgments based on unpaid fees for the
82 cost of supervision or cost of care ordered or deemed obligated
83 pursuant to former s. 985.039, Florida Statutes 2023, on a
84 child, including a child who is found to be dependent as defined
85 in s. 39.01, or the child's parent or legal guardian, are deemed
86 to be null and void and, for all legal purposes, are vacated and
87 discharged.

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88 (b) Any procedures necessary to accomplish the purposes of
89 this subsection may not require any affirmative action on the
90 part of any delinquent child or the child's parent or legal
91 guardian subject to such judgment. Such procedures must be
92 designed and implemented so as to accomplish the vacatur and
93 discharge of all such civil judgments by January 1, 2024.

94 (4) (a) On or after July 1, 2023, all warrants issued solely
95 based on the alleged failure of a child, including a child who
96 is found to be dependent as defined in s. 39.01, or the child's
97 parent or legal guardian to pay or to appear on a court date set
98 for the sole purpose of payment of fees ordered or deemed
99 obligated pursuant to former s. 985.039, Florida Statutes 2023,
100 are deemed to be null and void.

101 (b) Any procedures necessary to accomplish the purposes of
102 this subsection may not require any affirmative action on the
103 part of a child, including a child who is found to be dependent
104 as defined in s. 39.01, or the child's parent or legal guardian
105 subject to such warrant. Such procedures must be designed and
106 implemented so as to accomplish the rescinding and expungement
107 of all such warrants by January 1, 2024.

108 (5) On or after July 1, 2023, any child, including a child
109 who is found to be dependent pursuant to s. 39.01, or the
110 child's parent or legal guardian who has had their driver
111 license suspended under s. 318.15 or s. 322.245 solely for
112 nonpayment of cost-of-supervision or cost-of-care fees ordered
113 or deemed obligated pursuant to former s. 985.039, Florida
114 Statutes 2023, is immediately eligible to have his or her driver
115 license reinstated.

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

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117 ~~(a) When any child is placed into supervised release~~
118 ~~detention, probation, or other supervision status with the~~
119 ~~department, or is committed to the minimum-risk nonresidential~~
120 ~~restrictiveness level, the court shall order the parent of such~~
121 ~~child to pay to the department a fee for the cost of the~~
122 ~~supervision of such child in the amount of \$1 per day for each~~
123 ~~day that the child is in such status.~~

124 ~~(b) When any child is placed into secure detention or~~
125 ~~placed on committed status and the temporary legal custody of~~
126 ~~such child is placed with the department, the court shall order~~
127 ~~the parent of such child to pay to the department a fee for the~~
128 ~~cost of the care of such child in the amount of \$5 per day for~~
129 ~~each day that the child is in the temporary legal custody of the~~
130 ~~department.~~

131 ~~(2) The parent of any child who has been placed under the~~
132 ~~supervision or care of the department shall provide to the~~
133 ~~department his or her name, address, social security number,~~
134 ~~date of birth, driver license number or identification card~~
135 ~~number, and sufficient financial information so as to assist the~~
136 ~~court in determining the parent's ability to pay any fee~~
137 ~~associated with the cost of the child's supervision or care. If~~
138 ~~the parent refuses to provide the department with the~~
139 ~~information required by this subsection, the court shall order~~
140 ~~the parent to provide such information. The failure of the~~
141 ~~parent to comply with such order of the court constitutes~~
142 ~~contempt of court, and the court may punish the parent~~
143 ~~accordingly.~~

144 ~~(3) At the time of any detention or disposition hearing,~~
145 ~~the court shall receive the information described in subsection~~

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146 ~~(2), as well as any other verbal or written information offered~~
147 ~~as to the ability of the parent of a child who is being placed~~
148 ~~under the supervision or care of the department to pay any fee~~
149 ~~imposed pursuant to this section and whether the payment of such~~
150 ~~fee will create a significant financial hardship. The court may~~
151 ~~apportion the obligation for the fee to each parent in a manner~~
152 ~~it deems appropriate; however, the total amount of the daily fee~~
153 ~~may not exceed the amounts specified in this section. Any~~
154 ~~finding made by the court as to the ability of the parent to pay~~
155 ~~such fee, including any finding of indigency or significant~~
156 ~~financial hardship, shall be in writing and shall contain a~~
157 ~~detailed description of the facts supporting such finding. If~~
158 ~~the court makes a finding of indigency and significant financial~~
159 ~~hardship, the court shall waive the fee or reduce it to an~~
160 ~~amount deemed appropriate.~~

161 ~~(4) Notwithstanding subsection (3), the court may reduce or~~
162 ~~waive the fee as to each parent if the court makes a finding on~~
163 ~~the record that the parent was the victim of the delinquent act~~
164 ~~or violation of law for which the child has been placed under~~
165 ~~the supervision or care of the department and that the parent is~~
166 ~~cooperating or has cooperated with the investigation of the~~
167 ~~offense.~~

168 ~~(5) The court shall order the payment of any fees required~~
169 ~~in this section as part of the detention or disposition order.~~
170 ~~Such order must include specific written findings as to what~~
171 ~~fees are ordered, reduced, or waived. If the court fails to~~
172 ~~enter an order as required by this section, the parent is deemed~~
173 ~~to have an obligation to pay to the department a fee in the~~
174 ~~amount of \$1 per day for each day that the child is under the~~

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175 ~~supervision of the department and \$5 per day for each day that~~
176 ~~the child remains in the care of the department.~~

177 ~~(6) Notwithstanding subsection (1), with respect to a child~~
178 ~~who reaches the age of 18 prior to the detention or disposition~~
179 ~~hearing, the court may elect to direct an order required by this~~
180 ~~section to such child, rather than to the child's parent. With~~
181 ~~regard to a child who reaches 18 while under the supervision or~~
182 ~~care of the department, the court may, upon proper motion of any~~
183 ~~party, hold a hearing as to whether any party should be further~~
184 ~~obligated to pay any fee associated with cost of the supervision~~
185 ~~or care of such child. If the court does not enter an order~~
186 ~~under this subsection, it shall be presumed that the court~~
187 ~~intended for the parent to pay or to continue to pay the fees~~
188 ~~specified in this section. Any order entered pursuant to this~~
189 ~~subsection must include specific findings as to what fees are~~
190 ~~ordered, reduced, or waived as to the child.~~

191 ~~(7) With respect to a child who has been placed under the~~
192 ~~supervision or care of the department and whose parent receives~~
193 ~~public assistance for any portion of such child's care, the~~
194 ~~department must seek a federal waiver to garnish or otherwise~~
195 ~~order the payment of a portion of the public assistance relating~~
196 ~~to such child, in an amount not to exceed the amount of the~~
197 ~~parent's obligation, in order to offset the costs to the~~
198 ~~department associated with providing supervision or care of such~~
199 ~~child.~~

200 ~~(8) If any order entered pursuant to this section affects~~
201 ~~the guardianship of an estate, a certified copy of such order~~
202 ~~shall be delivered to the judge having jurisdiction over the~~
203 ~~guardianship of the estate.~~

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204 ~~(9) The department may employ a collection agency for the~~
205 ~~purpose of receiving, collecting, and managing the payment of~~
206 ~~any fees ordered pursuant to this section that have gone~~
207 ~~delinquent or unpaid for 90 days or more. The collection agency~~
208 ~~must be registered and in good standing under chapter 559. The~~
209 ~~department may pay for the services of the collection agency~~
210 ~~from available authorized funds or from funds generated by any~~
211 ~~collections under this subsection. Alternatively, the department~~
212 ~~may authorize the collection agency to withhold a specified~~
213 ~~amount of any fee collected as payment for its services.~~

214 ~~(10) The department or the collection agency shall provide~~
215 ~~to the payor documentation of the payment of any fee paid~~
216 ~~pursuant to this section. Except as provided in subsection (9),~~
217 ~~all payments received by the department or the collection agency~~
218 ~~pursuant to this section shall be deposited in the department's~~
219 ~~Grants and Donations Trust Fund.~~

220 ~~(11) Under no circumstance shall the court or the~~
221 ~~department extend the child's length of stay in the department's~~
222 ~~supervision or care solely for the purpose of collecting the~~
223 ~~fees specified in this section.~~

224 ~~(12) No parent or child shall be liable for any fee~~
225 ~~provided in this section unless:~~

226 ~~(a) The child is adjudicated delinquent, or has~~
227 ~~adjudication of delinquency withheld, for the offense that gave~~
228 ~~rise to the supervision or care; or~~

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

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233 ~~If any funds are paid for the supervision or care of a child who~~
234 ~~is determined not to meet the criteria specified in paragraph~~
235 ~~(a) or paragraph (b), such funds shall be refunded to the payor~~
236 ~~forthwith.~~

237 ~~(13) For purposes of this section, "parent" means any~~
238 ~~person who meets the definition of "parent" or "legal custody or~~
239 ~~guardian" in s. 985.03.~~

240 Section 2. Subsection (2) of section 985.145, Florida
241 Statutes, is amended to read:

242 985.145 Responsibilities of the department during intake;
243 screenings and assessments.-

244 (2) Prior to requesting that a delinquency petition be
245 filed or prior to filing a dependency petition, the department
246 may request the parent or legal guardian of the child to attend
247 a course of instruction in parenting skills, training in
248 conflict resolution, and the practice of nonviolence; to accept
249 counseling; or to receive other assistance from any agency in
250 the community which notifies the clerk of the court of the
251 availability of its services. Where appropriate, the department
252 shall request both parents or guardians to receive such parental
253 assistance. The department may, in determining whether to
254 request that a delinquency petition be filed, take into
255 consideration the willingness of the parent or legal guardian to
256 comply with such request. The parent or guardian must provide
257 the department with identifying information, including the
258 parent's or guardian's name, address, date of birth, social
259 security number, and driver license number or identification
260 card number ~~in order to comply with s. 985.039.~~

261 Section 3. Section 985.514, Florida Statutes, is amended to

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262 read:

263 985.514 Responsibility for cost of care; fees.—

264 (1) When any child is placed into detention care or into
265 other placement for the purpose of being supervised by the
266 department pursuant to a court order following a detention
267 hearing, the court may not ~~shall~~ order the child's parents to
268 pay fees to the department ~~as provided in s. 985.039~~.

269 (2) When any child is found by the court to have committed
270 a delinquent act and is placed on probation, regardless of
271 adjudication, under the supervision of or in the temporary legal
272 custody of the department, the court may not ~~shall~~ order the
273 child's parents to pay fees to the department ~~as provided in s.~~
274 ~~985.039~~.

275 (3) When the court under s. 985.565 orders any child
276 prosecuted as an adult to be supervised by or committed to the
277 department for treatment in any of the department's programs for
278 children, the court may not ~~shall~~ order the child's parents to
279 pay fees ~~as provided in s. 985.039~~.

280 Section 4. This act shall take effect July 1, 2023.