

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 3078
 SPONSOR: Senator Diaz de la Portilla
 SUBJECT: Juvenile Justice/Parenting Education
 DATE: April 5, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Favorable
2.	_____	_____	ACJ	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 3078 creates a pilot project in Orange County that allows the parents or guardians of juveniles subject to cost-of-care fees to participate in a parenting education course that is approved by the Department of Juvenile Justice (DJJ) in lieu of paying all or a portion of those fees. The DJJ is authorized to develop a reasonable and uniform formula for specifying the number of participation hours in lieu of the daily \$5 fee. This applies to parents who have a current or delinquent obligation to pay the required fees.

The DJJ is authorized to contract with private or public entities in Orange County to provide the parenting classes, providing the entity has appropriate expertise. Upon the parent providing proof of successful completion of the course to the DJJ, the department is required to waive the costs associated with the child’s care or supervision. The value of the waiver may not exceed \$450. The parent is to bear all costs of participation in the parenting education classes.

Finally, the DJJ is directed to compile a report to the Legislature and Governor by October 1, 2005, that includes measurable outcomes for the pilot project and the total amount of collected fees through FY 2005.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Currently, under s. 985.215(6), F.S., when any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court must order the parents or guardians of the child to pay the DJJ a daily fee of \$5 while the child is under the care or supervision of the department “in order to partially offset the cost of

the care, support, maintenance, and other usual and ordinary obligations of parents to provide for the needs of their children,” unless the court makes a finding on the record that the parent or guardian of the child is indigent.

If the court makes a finding of indigence, the parent or guardian is to pay to the DJJ a “nominal subsistence fee” of \$2 per day while the child is securely detained outside the home or \$1 per day while the child is otherwise detained in lieu of other fees related to the parent’s obligation for the child’s cost of care. The nominal subsistence fee may only be waived or reduced if the court makes a finding that such payment would constitute a significant financial hardship.

Further, the court may reduce or waive the fees if the court makes a finding on the record that the parent or guardian was the victim of the delinquent act or violation of law for which the child is detained and the parent or guardian is cooperating in the investigation.

The court must include specific findings in the detention order as to what fees are ordered, reduced, or waived.

The same cost-of-care provisions are found in s. 985.231(1)(b), F.S., when a child is placed in a residential commitment program following an adjudication of delinquency. These provisions are also found in s. 985.233(4)(d), F.S., for juveniles receiving a commitment to the DJJ following prosecution as an adult.

III. Effect of Proposed Changes:

Senate Bill 3078 creates a pilot project in Orange County that allows the parents or guardians of juveniles subject to cost-of-care fees to participate in a parenting education course that is approved by the DJJ in lieu of paying all or a portion of those fees. The DJJ is authorized to develop a reasonable and uniform formula for specifying the number of participation hours in lieu of the daily \$5 fee. This applies to parents who have a current or delinquent obligation to pay the required fees.

The department is directed to notify the parents of the option to participate in the pilot project including a description of the course contents and the number of participation hours that the parent will be required to successfully complete in order to receive the waiver. The department is also directed to provide notification to parents who have a current or delinquent obligation to pay the required fees.

The DJJ is authorized to contract with private or public entities in Orange County to provide the parenting classes, providing the entity has appropriate expertise. Upon the parent providing proof of successful completion of the course to the DJJ, the department is required to waive the costs associated with the child’s care or supervision. The value of the waiver may not exceed \$450. The parent is to bear all costs of participation in the parenting education classes.

The Orange County circuit court may not reduce or waive any required fees associated with the cost of the child’s care or supervision except:

- the court may reduce or waive the fees if the court makes a finding on the record that the parent or guardian was the victim of the delinquent act or violation of law for which the child has been placed under the care or supervision of the department and the parent or guardian has cooperated in the investigation and prosecution of the offense; or
- the court may authorize the parent to participate in a course of parenting education classes in lieu of paying all or a portion of the required fees.

If the parent's obligation to pay fees exceeds \$450, the court may reduce or waive the remaining fees upon verification by the DJJ that the parent has successfully completed the course. This option is not to apply in situations where there is a court order specifically prohibiting participation in lieu of payment.

In addition, the department is directed to compile a report to the Legislature and Governor by October 1, 2005, that includes the following information:

- number of parents participating in the parenting classes in lieu of paying the required fees;
- number of parents successfully completing the classes;
- amount of total cost-of-care fees collected in Orange County during FY 2003-04 and FY 2004-05; and
- whether any child of a participating parent is referred to the department during FY 2004-05, after the parent participated in the class.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private providers may contract with the department to provide parenting education classes.

The parent of a juvenile subject to cost-of-care provisions described in ss. 985.215(6), 985.231(1)(b), or 985.233(4)(d), F.S., will bear all costs of the parenting education classes.

C. Government Sector Impact:

According to the DJJ, to implement the provisions of the bill, the following will be necessary and will have associated, but as-of-yet unidentified costs:

- a staff person to create a special Cost-of-Care billing subsystem for Orange County;
- procurement of and contract for the parenting classes;
- staff to perform the tracking services;
- modification of the Juvenile Justice Information System to collect the information required to fulfill the report requirements in the bill; and
- data and research involvement generating the report.

Cost-of-care fee collections would be impacted due to increased fee waivers for Orange County. Currently the DJJ is collecting about \$50,000 a year from Orange County, and an unknown smaller amount would be collected because of the fee waivers. Currently, the department is only collecting 6 percent (about \$1.2 million a year) of all cost-of-care billings, resulting in an unfunded budget of \$1.6 million.

	FY 2004/05	FY 2005/06
Non-Recurring		
1. Revenue	None	None
2. Expenditure Consulting costs to modify JJIS (160 hrs x \$100/hr)	\$16,000	- 0 -
Recurring		
1. Revenue (fee collections)	Up to (\$50,000) less in collections	
2. Expenditure	None	None

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
