

HB 1363

2023

1 A bill to be entitled

2 An act relating to costs of supervision or care of
3 children; amending s. 985.039, F.S.; removing
4 provisions providing for a fee for the costs of care
5 or supervision of certain children and for the
6 assessment and collection of such fees; providing a
7 definition; providing that such fees may not be
8 ordered to be paid by certain persons for specified
9 services; providing that balances owed for such fees
10 may not be collected; providing that unpaid civil
11 judgments for such fees are void and unenforceable;
12 providing that a warrants issued solely based on the
13 alleged failure to pay such fees are void; providing
14 that any person whose driver license was suspended for
15 failure to pay such fees shall be eligible for
16 reinstatement; providing for expiration of certain
17 provisions; amending s. 985.145, F.S.; conforming
18 provisions to changes made by the act; repealing s.
19 985.514, F.S., relating to responsibility for cost of
20 care and fees; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 985.039, Florida Statutes, is amended
25 to read:

26 (Substantial rewording of section. See
27 s. 985.039, F.S., for present text.)

28 985.039 Cost of supervision; cost of care.—

29 (1) As used in this section, the term "child" includes a
30 "child who is found to be dependent" as defined by s. 39.01.

31 (2) A child, parent, or guardian of such child or a young
32 adult eligible for continued care pursuant to s. 39.6251, may
33 not be ordered or deemed obligated to pay any fees for the cost
34 of supervision or cost of care.

35 (3) On and after July 1, 2023:

36 (a) The balance of any cost of supervision or cost of care
37 fees ordered or deemed obligated against a child or the parents
38 or legal guardian of a child pursuant to s. 985.039 shall be
39 unenforceable and uncollectable and, on January 1, 2024, the
40 portion of the court order imposing such costs shall be vacated.
41 Any procedures necessary to accomplish the purposes of this
42 subsection shall not require any affirmative actions on the part
43 of any delinquent child, parent, or guardian subject to such
44 fees. The procedures shall be designed and implemented to
45 accomplish the vacatur and discharge of all such fees by January
46 1, 2024.

47 (b) All unsatisfied civil judgments, or portions of
48 judgments based on unpaid fees ordered or deemed obligated
49 pursuant to s. 985.039 on a child or the parents or legal
50 guardian of a child are deemed to be null and void and for all

51 legal purpose, are vacated and discharged. Any procedures
52 necessary to accomplish the purposes of this subsection shall
53 not require any affirmative actions on the part of any
54 delinquent child, parent, or guardian subject to such judgment.
55 The procedures shall be designed and implemented to accomplish
56 the vacatur and discharge of all such civil judgments by January
57 1, 2024.

58 (c) All warrants issued solely based on the alleged
59 failure of a child or the parents or legal guardian of a child,
60 to pay or to appear on a court date set for the sole purpose of
61 payment of fees ordered or deemed obligated pursuant to s.
62 985.039, are deemed to be null and void. Any procedures
63 necessary to accomplish the purposes of this subsection shall
64 not require any affirmative actions on the part of a child or
65 the parents or legal guardian of a child subject to such
66 warrant. The procedures shall be designed and implemented so as
67 to accomplish the rescinding and expungement of all such
68 warrants by January 1, 2024.

69 (d) Any child or the parents or legal guardian of any
70 child, who has had their driver license suspended under s.
71 318.15 or s. 322.245 solely for nonpayment of cost of
72 supervision or cost of care fees ordered or deemed obligated
73 pursuant to s. 985.039 shall be immediately eligible to have
74 their driver license reinstated.

75 (e) This subsection expires June 30, 2024.

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

78 985.145 Responsibilities of the department during intake;
 79 screenings and assessments.—

80 (2) Before ~~Prior to~~ requesting that a delinquency petition
 81 be filed or before ~~prior to~~ filing a dependency petition, the
 82 department may request the parent or legal guardian of the child
 83 to attend a course of instruction in parenting skills, training
 84 in conflict resolution, and the practice of nonviolence; to
 85 accept counseling; or to receive other assistance from any
 86 agency in the community which notifies the clerk of the court of
 87 the availability of its services. Where appropriate, the
 88 department shall request both parents or guardians to receive
 89 such parental assistance. The department may, in determining
 90 whether to request that a delinquency petition be filed, take
 91 into consideration the willingness of the parent or legal
 92 guardian to comply with such request. The parent or guardian
 93 must provide any ~~the department with~~ identifying information
 94 required by the department, ~~including the parent's or guardian's~~
 95 ~~name, address, date of birth, social security number, and driver~~
 96 ~~license number or identification card number in order to comply~~
 97 ~~with s. 985.039.~~

98 Section 3. Section 985.514, Florida Statutes, is repealed.

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