



26 |           payments; providing a directive to the Division of Law  
 27 |           Revision; providing an effective date.

28 |

29 | Be It Enacted by the Legislature of the State of Florida:

30 |

31 |           Section 1. This act may be cited as the "Debt Free Justice  
 32 | for Children Act."

33 |           Section 2. Subsection (7) of section 27.52, Florida  
 34 | Statutes, is renumbered as subsection (6), and present  
 35 | subsections (1) and (6) of that section are amended to read:

36 |           27.52 Determination of indigent status.—

37 |           (1) APPLICATION TO THE CLERK.—A person, other than a child  
 38 | as defined in s. 985.03, including a child found to be dependent  
 39 | as defined in s. 39.01(15), or a young adult eligible for  
 40 | continued care pursuant to s. 39.6251, seeking appointment of a  
 41 | public defender under s. 27.51 based upon an inability to pay  
 42 | must apply to the clerk of the court for a determination of  
 43 | indigent status using an application form developed by the  
 44 | Florida Clerks of Court Operations Corporation with final  
 45 | approval by the Supreme Court.

46 |           (a) The application must include, at a minimum, the  
 47 | following financial information:

48 |           1. Net income, consisting of total salary and wages, minus  
 49 | deductions required by law, including court-ordered support  
 50 | payments.

51           2. Other income, including, but not limited to, social  
52 security benefits, union funds, veterans' benefits, workers'  
53 compensation, other regular support from absent family members,  
54 public or private employee pensions, reemployment assistance or  
55 unemployment compensation, dividends, interest, rent, trusts,  
56 and gifts.

57           3. Assets, including, but not limited to, cash, savings  
58 accounts, bank accounts, stocks, bonds, certificates of deposit,  
59 equity in real estate, and equity in a boat or a motor vehicle  
60 or in other tangible property.

61           4. All liabilities and debts.

62           5. If applicable, the amount of any bail paid for the  
63 applicant's release from incarceration and the source of the  
64 funds.

65

66 The application must include a signature by the applicant which  
67 attests to the truthfulness of the information provided. The  
68 application form developed by the corporation must include  
69 notice that the applicant may seek court review of a clerk's  
70 determination that the applicant is not indigent, as provided in  
71 this section.

72           (b) An applicant shall pay a \$50 application fee to the  
73 clerk for each application for court-appointed counsel filed,  
74 unless the applicant is a child as defined in s. 985.03,  
75 including a child found to be dependent as defined in s.

76 | 39.01(15), the child's parent or legal guardian, or a young  
77 | adult eligible for continued care pursuant to s. 39.6251, in  
78 | which case the application fee is waived and the child as  
79 | defined in s. 985.03, the child found to be dependent as defined  
80 | in s. 39.01(15), or the young adult eligible for continued care  
81 | pursuant to s. 39.6251 is automatically granted indigent status.

82 | The applicant shall pay the fee within 7 days after submitting  
83 | the application. If the applicant does not pay the fee before  
84 | ~~prior to~~ the disposition of the case, the clerk shall notify the  
85 | court, and the court shall:

86 |       1. Assess the application fee as part of the sentence or  
87 | as a condition of probation; or

88 |       2. Assess the application fee pursuant to s. 938.29.

89 |       (c) Notwithstanding any provision of law, court rule, or  
90 | administrative order, the clerk shall assign the first \$50 of  
91 | any fees or costs paid by an indigent person as payment of the  
92 | application fee. A person found to be indigent may not be  
93 | refused counsel or other required due process services for  
94 | failure to pay the fee.

95 |       (d) All application fees collected by the clerk under this  
96 | section shall be transferred monthly by the clerk to the  
97 | Department of Revenue for deposit in the Indigent Criminal  
98 | Defense Trust Fund administered by the Justice Administrative  
99 | Commission, to be used as appropriated by the Legislature. The  
100 | clerk may retain 2 percent of application fees collected monthly

101 for administrative costs from which the clerk shall remit \$0.20  
 102 from each application fee to the Department of Revenue for  
 103 deposit into the General Revenue Fund before ~~prior to~~ remitting  
 104 the remainder to the Department of Revenue for deposit in the  
 105 Indigent Criminal Defense Trust Fund.

106 (e)1. The clerk shall assist a person who appears before  
 107 the clerk and requests assistance in completing the application,  
 108 and the clerk shall notify the court if a person is unable to  
 109 complete the application after the clerk has provided  
 110 assistance.

111 2. If the person seeking appointment of a public defender  
 112 is incarcerated, the public defender is responsible for  
 113 providing the application to the person and assisting him or her  
 114 in its completion and is responsible for submitting the  
 115 application to the clerk on the person's behalf. The public  
 116 defender may enter into an agreement for jail employees,  
 117 pretrial services employees, or employees of other criminal  
 118 justice agencies to assist the public defender in performing  
 119 functions assigned to the public defender under this  
 120 subparagraph.

121 ~~(6) DUTIES OF PARENT OR LEGAL GUARDIAN. A nonindigent~~  
 122 ~~parent or legal guardian of an applicant who is a minor or an~~  
 123 ~~adult tax dependent person shall furnish the minor or adult tax-~~  
 124 ~~dependent person with the necessary legal services and costs~~  
 125 ~~incident to a delinquency proceeding or, upon transfer of such~~

126 ~~person for criminal prosecution as an adult pursuant to chapter~~  
127 ~~985, a criminal prosecution in which the person has a right to~~  
128 ~~legal counsel under the Constitution of the United States or the~~  
129 ~~Constitution of the State of Florida. The failure of a parent or~~  
130 ~~legal guardian to furnish legal services and costs under this~~  
131 ~~section does not bar the appointment of legal counsel pursuant~~  
132 ~~to this section, s. 27.40, or s. 27.5303. When the public~~  
133 ~~defender, the office of criminal conflict and civil regional~~  
134 ~~counsel, a private court-appointed conflict counsel, or a~~  
135 ~~private attorney is appointed to represent a minor or an adult~~  
136 ~~tax-dependent person in any proceeding in circuit court or in a~~  
137 ~~criminal proceeding in any other court, the parents or the legal~~  
138 ~~guardian shall be liable for payment of the fees, charges, and~~  
139 ~~costs of the representation even if the person is a minor being~~  
140 ~~tried as an adult. Liability for the fees, charges, and costs of~~  
141 ~~the representation shall be imposed in the form of a lien~~  
142 ~~against the property of the nonindigent parents or legal~~  
143 ~~guardian of the minor or adult tax-dependent person. The lien is~~  
144 ~~enforceable as provided in s. 27.561 or s. 938.29.~~

145 Section 3. Paragraph (a) of subsection (1) of section  
146 318.15, Florida Statutes, is amended, and subsection (4) is  
147 added to that section, to read:

148 318.15 Failure to comply with civil penalty or to appear;  
149 penalty.—

150 (1) (a) If a person, other than a child as defined in s.

151 985.03, including a child found to be dependent as defined in s.  
152 39.01(15), or a young adult eligible for continued care pursuant  
153 to s. 39.6251, fails to comply with the civil penalties provided  
154 in s. 318.18 within the time period specified in s. 318.14(4),  
155 fails to enter into or comply with the terms of a penalty  
156 payment plan with the clerk of the court in accordance with ss.  
157 318.14 and 28.246, fails to attend driver improvement school, or  
158 fails to appear at a scheduled hearing, the clerk of the court  
159 shall notify the Department of Highway Safety and Motor Vehicles  
160 of such failure within 10 days after such failure. Upon receipt  
161 of such notice, the department shall immediately issue an order  
162 suspending the driver license and privilege to drive of such  
163 person effective 20 days after the date the order of suspension  
164 is mailed in accordance with s. 322.251(1), (2), and (6). Any  
165 such suspension of the driving privilege which has not been  
166 reinstated, including a similar suspension imposed outside  
167 Florida, shall remain on the records of the department for a  
168 period of 7 years from the date imposed and shall be removed  
169 from the records after the expiration of 7 years from the date  
170 it is imposed. The department may not accept the resubmission of  
171 such suspension.

172 (4) A child as defined in s. 985.03, including a child  
173 found to be dependent as defined in s. 39.01(15), or a young  
174 adult eligible for continued care pursuant to s. 39.6251 may not  
175 be charged any of the fees in this section. Any such child as

176 defined in s. 985.03, including a child found to be dependent as  
177 defined in s. 39.01(15), or young adult eligible for continued  
178 care pursuant to s. 39.6251 who has had his or her driver  
179 license suspended solely for nonpayment of fees under this  
180 section shall have his or her driver license reinstated pursuant  
181 to s. 985.038.

182 Section 4. Subsection (1) of section 322.245, Florida  
183 Statutes, is amended, and subsection (6) is added to that  
184 section, to read:

185 322.245 Suspension of license upon failure of person  
186 charged with specified offense under chapter 316, chapter 320,  
187 or this chapter to comply with directives ordered by traffic  
188 court or upon failure to pay child support in non-IV-D cases as  
189 provided in chapter 61 or failure to pay any financial  
190 obligation in any other criminal case.-

191 (1) If a person, other than a child as defined in s.  
192 985.03, including a child found to be dependent as defined in s.  
193 39.01(15), or a young adult eligible for continued care pursuant  
194 to s. 39.6251, charged with a violation of any of the criminal  
195 offenses enumerated in s. 318.17 or with the commission of any  
196 offense constituting a misdemeanor under chapter 320 or this  
197 chapter fails to comply with all of the directives of the court  
198 within the time allotted by the court, the clerk of the traffic  
199 court shall mail to the person, at the address specified on the  
200 uniform traffic citation, a notice of such failure, notifying



201 him or her that, if he or she does not comply with the  
202 directives of the court within 30 days after the date of the  
203 notice and pay a delinquency fee of up to \$25 to the clerk, from  
204 which the clerk shall remit \$10 to the Department of Revenue for  
205 deposit into the General Revenue Fund, his or her driver license  
206 will be suspended. The notice shall be mailed no later than 5  
207 days after such failure. The delinquency fee may be retained by  
208 the office of the clerk to defray the operating costs of the  
209 office.

210 (6) A child as defined in s. 985.03, including a child  
211 found to be dependent as defined in s. 39.01(15), or a young  
212 adult eligible for continued care pursuant to s. 39.6251 may not  
213 be charged any of the fees in this section. Any such child as  
214 defined in s. 985.03, including a child found to be dependent as  
215 defined in s. 39.01(15), or young adult eligible for continued  
216 care pursuant to s. 39.6251 who has had his or her driver  
217 license suspended solely for nonpayment of fees under this  
218 section shall have his or her driver license reinstated pursuant  
219 to s. 985.038.

220 Section 5. Subsections (1) and (2) of section 775.083,  
221 Florida Statutes, are amended to read:

222 775.083 Fines.—

223 (1) A person, other than a child as defined in s. 985.03,  
224 including a child found to be dependent as defined in s.  
225 39.01(15), or a young adult eligible for continued care pursuant

226 | to s. 39.6251, who has been convicted of an offense other than a  
 227 | capital felony may be sentenced to pay a fine in addition to any  
 228 | punishment described in s. 775.082; when specifically authorized  
 229 | by statute, he or she may be sentenced to pay a fine in lieu of  
 230 | any punishment described in s. 775.082. A person who has been  
 231 | convicted of a noncriminal violation may be sentenced to pay a  
 232 | fine. Fines for designated crimes and for noncriminal violations  
 233 | shall not exceed:

234 |       (a) \$15,000, when the conviction is of a life felony.

235 |       (b) \$10,000, when the conviction is of a felony of the  
 236 | first or second degree.

237 |       (c) \$5,000, when the conviction is of a felony of the  
 238 | third degree.

239 |       (d) \$1,000, when the conviction is of a misdemeanor of the  
 240 | first degree.

241 |       (e) \$500, when the conviction is of a misdemeanor of the  
 242 | second degree or a noncriminal violation.

243 |       (f) Any higher amount equal to double the pecuniary gain  
 244 | derived from the offense by the offender or double the pecuniary  
 245 | loss suffered by the victim.

246 |       (g) Any higher amount specifically authorized by statute.

247 |

248 | Fines imposed in this subsection shall be deposited by the clerk  
 249 | of the court in the fine and forfeiture fund established  
 250 | pursuant to s. 142.01. If a defendant is unable to pay a fine,

HB 1391

2021

251 the court may defer payment of the fine to a date certain. As  
252 used in this subsection, the term "convicted" or "conviction"  
253 means a determination of guilt which is the result of a trial or  
254 the entry of a plea of guilty or nolo contendere, regardless of  
255 whether adjudication is withheld.

256 (2) In addition to the fines set forth in subsection (1),  
257 court costs shall be assessed and collected in each instance a  
258 defendant, other than a child as defined in s. 985.03, including  
259 a child found to be dependent as defined in s. 39.01(15), or a  
260 young adult eligible for continued care pursuant to s. 39.6251,  
261 ~~pleads nolo contendere to, or is convicted of, or adjudicated~~  
262 ~~delinquent for,~~ a felony, a misdemeanor, or a criminal traffic  
263 offense under state law, or a violation of any municipal or  
264 county ordinance if the violation constitutes a misdemeanor  
265 under state law. The court costs imposed by this section shall  
266 be \$50 for a felony and \$20 for any other offense and shall be  
267 deposited by the clerk of the court into an appropriate county  
268 account for disbursement for the purposes provided in this  
269 subsection. A county shall account for the funds separately from  
270 other county funds as crime prevention funds. The county, in  
271 consultation with the sheriff, must expend such funds for crime  
272 prevention programs in the county, including safe neighborhood  
273 programs under ss. 163.501-163.523.

274 Section 6. Subsection (1) of section 938.01, Florida  
275 Statutes, is amended to read:

276 938.01 Additional Court Cost Clearing Trust Fund.—

277 (1) All courts created by Art. V of the State Constitution  
278 shall, in addition to any fine or other penalty, require every  
279 person, other than a child as defined in s. 985.03, including a  
280 child found to be dependent as defined in s. 39.01(15), or a  
281 young adult eligible for continued care pursuant to s. 39.6251,  
282 convicted for violation of a state penal or criminal statute or  
283 convicted for violation of a municipal or county ordinance to  
284 pay \$3 as a court cost. Any person, other than a child as  
285 defined in s. 985.03, including a child found to be dependent as  
286 defined in s. 39.01(15), or a young adult eligible for continued  
287 care pursuant to s. 39.6251, whose adjudication is withheld  
288 pursuant to ~~the provisions of~~ s. 318.14(9) or (10) shall also be  
289 liable for payment of such cost. In addition, \$3 from every bond  
290 estreature or forfeited bail bond related to such penal statutes  
291 or penal ordinances shall be remitted to the Department of  
292 Revenue as described in this subsection. However, no such  
293 assessment may be made against any person convicted for  
294 violation of any state statute, municipal ordinance, or county  
295 ordinance relating to the parking of vehicles.

296 (a) All costs collected by the courts pursuant to this  
297 subsection shall be remitted to the Department of Revenue in  
298 accordance with administrative rules adopted by the executive  
299 director of the Department of Revenue for deposit in the  
300 Additional Court Cost Clearing Trust Fund. These funds and the

301 funds deposited in the Additional Court Cost Clearing Trust Fund  
 302 pursuant to s. 318.21(2)(c) shall be distributed as follows:

303 1. Ninety-two percent to the Department of Law Enforcement  
 304 Criminal Justice Standards and Training Trust Fund.

305 2. Six and three-tenths percent to the Department of Law  
 306 Enforcement Operating Trust Fund for the Criminal Justice Grant  
 307 Program.

308 3. One and seven-tenths percent to the Department of  
 309 Children and Families Domestic Violence Trust Fund for the  
 310 domestic violence program pursuant to s. 39.903(1).

311 (b) All funds in the Department of Law Enforcement  
 312 Criminal Justice Standards and Training Trust Fund shall be  
 313 disbursed only in compliance with s. 943.25(8).

314 Section 7. Subsection (1) of section 938.03, Florida  
 315 Statutes, is amended to read:

316 938.03 Crimes Compensation Trust Fund.—

317 (1) Any person, other than a child as defined in s. 39.01,  
 318 including a child found to be dependent as defined in s.  
 319 39.01(15), or a young adult eligible for continued care pursuant  
 320 to s. 39.6251, pleading guilty or nolo contendere to, or being  
 321 convicted of ~~or adjudicated delinquent for~~, any felony,  
 322 misdemeanor, ~~delinquent act~~, or criminal traffic offense under  
 323 the laws of this state or the violation of any municipal or  
 324 county ordinance which adopts by reference any misdemeanor under  
 325 state law, shall pay as an additional cost in the case, in

326 addition and before ~~prior to~~ any other cost required to be  
327 imposed by law, the sum of \$50. Any person, other than a child  
328 as defined in s. 985.03, including a child found to be dependent  
329 as defined in s. 39.01(15), or a young adult eligible for  
330 continued care pursuant to s. 39.6251, whose adjudication is  
331 withheld shall also be assessed such cost.

332 Section 8. Subsection (1) of section 938.05, Florida  
333 Statutes, is amended to read:

334 938.05 Additional court costs for felonies, misdemeanors,  
335 and criminal traffic offenses.—

336 (1) Any person, other than a child as defined in s.  
337 985.03, including a child found to be dependent as defined in s.  
338 39.01(15), or a young adult eligible for continued care pursuant  
339 to s. 39.6251, pleading nolo contendere to a misdemeanor or  
340 criminal traffic offense under s. 318.14(10)(a) or pleading  
341 guilty or nolo contendere to, or being found guilty of, any  
342 felony, misdemeanor, or criminal traffic offense under the laws  
343 of this state or the violation of any municipal or county  
344 ordinance which adopts by reference any misdemeanor under state  
345 law, shall pay as a cost in the case, in addition to any other  
346 cost required to be imposed by law, a sum in accordance with the  
347 following schedule:

348 (a) Felonies: \$225, from which the clerk shall remit \$25  
349 to the Department of Revenue for deposit into the General  
350 Revenue Fund.

351 (b) Misdemeanors: \$60, from which the clerk shall remit  
352 \$10 to the Department of Revenue for deposit into the General  
353 Revenue Fund.

354 (c) Criminal traffic offenses: \$60, from which the clerk  
355 shall remit \$10 to the Department of Revenue for deposit into  
356 the General Revenue Fund.

357 Section 9. Section 938.055, Florida Statutes, is amended  
358 to read:

359 938.055 Operating Trust Fund of the Department of Law  
360 Enforcement.—Notwithstanding any other law, the court may assess  
361 a defendant, other than a child as defined in s. 985.03,  
362 including a child found to be dependent as defined in s.  
363 39.01(15), or a young adult eligible for continued care pursuant  
364 to s. 39.6251, who pleads guilty or nolo contendere to, or is  
365 convicted of, a violation of any provision of chapters 775-896,  
366 without regard to whether adjudication was withheld, in addition  
367 to any fine and other penalty provided or authorized by law, an  
368 amount of \$100, to be paid to the clerk of the court, who shall  
369 forward it to the Department of Revenue for deposit in the  
370 Operating Trust Fund of the Department of Law Enforcement to be  
371 used by the statewide criminal analysis laboratory system for  
372 the purposes specified in s. 943.361. This amount shall be  
373 assessed if the services of a local county-operated crime  
374 laboratory enumerated in s. 943.35(1) are used in connection  
375 with the investigation or prosecution of a violation of any

HB 1391

2021

376 provision of chapters 775-896.

377 Section 10. Subsection (1) of section 938.06, Florida  
378 Statutes, is amended to read:

379 938.06 Cost for crime stoppers programs.—

380 (1) In addition to any fine prescribed by law, when a  
381 person, other than a child as defined in s. 985.03, including a  
382 child found to be dependent as defined in s. 39.01(15), or a  
383 young adult eligible for continued care pursuant to s. 39.6251,  
384 is convicted of any criminal offense, the county or circuit  
385 court shall assess a court cost of \$20.

386 Section 11. Section 938.08, Florida Statutes, is amended  
387 to read:

388 938.08 Additional cost to fund programs in domestic  
389 violence.—In addition to any sanction imposed on a person, other  
390 than a child as defined in s. 985.03, including a child found to  
391 be dependent as defined in s. 39.01(15), or a young adult  
392 eligible for continued care pursuant to s. 39.6251, for a  
393 violation of s. 784.011, s. 784.021, s. 784.03, s. 784.041, s.  
394 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s.  
395 784.082, s. 784.083, s. 784.085, s. 794.011, or for any offense  
396 of domestic violence described in s. 741.28, the court shall  
397 impose a surcharge of \$201. Payment of the surcharge shall be a  
398 condition of probation, community control, or any other court-  
399 ordered supervision. The sum of \$85 of the surcharge shall be  
400 deposited into the Domestic Violence Trust Fund established in



401 s. 741.01. The clerk of the court shall retain \$1 of each  
402 surcharge that the clerk of the court collects as a service  
403 charge of the clerk's office. The remainder of the surcharge  
404 shall be provided to the governing board of the county and must  
405 be used only to defray the costs of incarcerating persons  
406 sentenced under s. 741.283 and provide additional training to  
407 law enforcement personnel in combating domestic violence.

408 Section 12. Section 938.085, Florida Statutes, is amended  
409 to read:

410 938.085 Additional cost to fund rape crisis centers.—In  
411 addition to any sanction imposed when a person, other than a  
412 child as defined in s. 985.03, including a child found to be  
413 dependent as defined in s. 39.01(15), or a young adult eligible  
414 for continued care pursuant to s. 39.6251, pleads guilty or nolo  
415 contendere to, or is found guilty of, regardless of  
416 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and  
417 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
418 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
419 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
420 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
421 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
422 796.07(2) (a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
423 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
424 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
425 847.0145; s. 943.0435(4) (c), (7), (8), (9) (a), (13), and

426 (14) (c); or s. 985.701(1), the court shall impose a surcharge of  
427 \$151. Payment of the surcharge shall be a condition of  
428 probation, community control, or any other court-ordered  
429 supervision. The sum of \$150 of the surcharge shall be deposited  
430 into the Rape Crisis Program Trust Fund established within the  
431 Department of Health by chapter 2003-140, Laws of Florida. The  
432 clerk of the court shall retain \$1 of each surcharge that the  
433 clerk of the court collects as a service charge of the clerk's  
434 office.

435 Section 13. Subsection (1) of section 938.10, Florida  
436 Statutes, is amended to read:

437 938.10 Additional court cost imposed in cases of certain  
438 crimes.—

439 (1) If a person, other than a child as defined in s.  
440 985.03, including a child found to be dependent as defined in s.  
441 39.01(15), or a young adult eligible for continued care pursuant  
442 to s. 39.6251, pleads guilty or nolo contendere to, or is found  
443 guilty of, regardless of adjudication, any offense against a  
444 minor in violation of s. 784.085, chapter 787, chapter 794,  
445 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.  
446 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,  
447 s. 893.147(3), or s. 985.701, or any offense in violation of s.  
448 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the  
449 court shall impose a court cost of \$151 against the offender in  
450 addition to any other cost or penalty required by law.

HB 1391

2021

451 Section 14. Paragraph (a) of subsection (1) of section  
452 938.13, Florida Statutes, is amended to read:

453 938.13 Misdemeanor convictions involving drugs or  
454 alcohol.—

455 (1) (a) When a any person, other than a child as defined in  
456 s. 985.03, including a child found to be dependent as defined in  
457 s. 39.01(15), or a young adult eligible for continued care  
458 pursuant to s. 39.6251 ~~on or after October 1, 1988,~~ is found  
459 guilty of any misdemeanor under the laws of this state in which  
460 the unlawful use of drugs or alcohol is involved, there shall be  
461 imposed an additional cost in the case, in addition to any other  
462 cost required to be imposed by law, in the sum of \$15. Under no  
463 condition shall a political subdivision be held liable for the  
464 payment of such sum.

465 Section 15. Section 938.15, Florida Statutes, is amended  
466 to read:

467 938.15 Criminal justice education for local government.—In  
468 addition to the costs provided for in s. 938.01, municipalities  
469 and counties may assess a person, other than a child as defined  
470 in s. 985.03, including a child found to be dependent as defined  
471 in s. 39.01(15), or a young adult eligible for continued care  
472 pursuant to s. 39.6251, an additional \$2 for expenditures for  
473 criminal justice education degree programs and training courses,  
474 including basic recruit training, for their respective officers  
475 and employing agency support personnel, provided such education

476 degree programs and training courses are approved by the  
477 employing agency administrator, on a form provided by the  
478 Criminal Justice Standards and Training Commission, for local  
479 funding.

480 (1) Workshops, meetings, conferences, and conventions  
481 shall, on a form approved by the Criminal Justice Standards and  
482 Training Commission for use by the employing agency, be  
483 individually approved by the employing agency administrator  
484 before ~~prior to~~ attendance. The form shall include, but not be  
485 limited to, a demonstration by the employing agency of the  
486 purpose of the workshop, meeting, conference, or convention; the  
487 direct relationship of the training to the officer's job; the  
488 direct benefits the officer and agency will receive; and all  
489 anticipated costs.

490 (2) The Criminal Justice Standards and Training Commission  
491 may inspect and copy the documentation of independent audits  
492 conducted of the municipalities and counties which make such  
493 assessments to ensure that such assessments have been made and  
494 that expenditures are in conformance with the requirements of  
495 this subsection and with other applicable procedures.

496 Section 16. Subsections (1) and (2) of section 938.19,  
497 Florida Statutes, are amended to read:

498 938.19 Teen courts.—

499 (1) Notwithstanding s. 318.121, in each county in which a  
500 teen court has been created, the board of county commissioners

HB 1391

2021

501 may adopt a ~~mandatory~~ court cost to be assessed in specific  
502 cases, other than a child as defined in s. 985.03, including a  
503 child found to be dependent as defined in s. 39.01(15), or a  
504 young adult eligible for continued care pursuant to s. 39.6251,  
505 by incorporating by reference the provisions of this section in  
506 a county ordinance. Assessments collected by the clerk of the  
507 circuit court under this section shall be deposited into an  
508 account specifically for the operation and administration of the  
509 teen court.

510 (2) A sum of up to \$3 shall be assessed as a court cost in  
511 the circuit and county court in the county against each person,  
512 other than a child as defined in s. 985.03, including a child  
513 found to be dependent as defined in s. 39.01(15), or a young  
514 adult eligible for continued care pursuant to s. 39.6251, who  
515 pleads guilty or nolo contendere to, or is convicted of,  
516 regardless of adjudication, ~~or adjudicated delinquent for a~~  
517 violation of a criminal law, ~~a delinquent act,~~ or a municipal or  
518 county ordinance, or who pays a fine or civil penalty for any  
519 violation of chapter 316. Any person whose adjudication is  
520 withheld under s. 318.14(9) or (10) shall also be assessed the  
521 cost.

522 Section 17. Subsection (1) of section 938.23, Florida  
523 Statutes, is amended to read:

524 938.23 Assistance grants for alcohol and other drug abuse  
525 programs.—

526           (1) In addition to any fine imposed on a person, other  
527 than a child as defined in s. 985.03, including a child found to  
528 be dependent as defined in s. 39.01(15), or a young adult  
529 eligible for continued care pursuant to s. 39.6251, by law for  
530 any criminal offense under chapter 893 or for any criminal  
531 violation of s. 316.193, s. 856.011, s. 856.015, or chapter 562,  
532 chapter 567, or chapter 568, the court shall be authorized,  
533 pursuant to the requirements of s. 938.21, to impose an  
534 additional assessment in an amount up to the amount of the fine  
535 authorized for the offense. Such additional assessments shall be  
536 deposited for the purpose of providing assistance grants to drug  
537 abuse treatment or alcohol treatment or education programs as  
538 provided in s. 893.165.

539           Section 18. Subsections (1) and (3) of section 938.27,  
540 Florida Statutes, are amended to read:

541           938.27 Judgment for costs of prosecution and  
542 investigation.—

543           (1) In all criminal and violation-of-probation or  
544 community-control cases, convicted persons are liable for  
545 payment of the costs of prosecution, including investigative  
546 costs incurred by law enforcement agencies, by fire departments  
547 for arson investigations, and by investigations of the  
548 Department of Financial Services or the Office of Financial  
549 Regulation of the Financial Services Commission, if requested by  
550 such agencies. The court shall include these costs in every

551 judgment rendered against the convicted person, other than a  
552 child as defined in s. 985.03, including a child found to be  
553 dependent as defined in s. 39.01(15), or a young adult eligible  
554 for continued care pursuant to s. 39.6251. For purposes of this  
555 section, "convicted" means a determination of guilt, or of  
556 violation of probation or community control, which is a result  
557 of a plea, trial, or violation proceeding, regardless of whether  
558 adjudication is withheld.

559 (3) If a defendant, other than a child as defined in s.  
560 985.03, including a child found to be dependent as defined in s.  
561 39.01(15), or a young adult eligible for continued care pursuant  
562 to s. 39.6251, is placed on probation or community control,  
563 payment of any costs under this section shall be a condition of  
564 such probation or community control. The court may revoke  
565 probation or community control if the defendant fails to pay  
566 these costs.

567 Section 19. Section 938.29, Florida Statutes, is amended  
568 to read:

569 938.29 Legal assistance; lien for payment of attorney  
570 ~~attorney's~~ fees or costs.—

571 (1) (a) A defendant, other than a child as defined in s.  
572 985.03, including a child found to be dependent as defined in s.  
573 39.01(15), or a young adult eligible for continued care pursuant  
574 to s. 39.6251, who is convicted of a criminal act or a violation  
575 of probation or community control and who has received the

576 assistance of the public defender's office, a special assistant  
577 public defender, the office of criminal conflict and civil  
578 regional counsel, or a private conflict attorney, or who has  
579 received due process services after being found indigent for  
580 costs under s. 27.52, shall be liable for payment of the  
581 assessed application fee under s. 27.52 and attorney ~~attorney's~~  
582 fees and costs. Attorney ~~Attorney's~~ fees and costs shall be set  
583 in all cases at no less than \$50 per case when a misdemeanor or  
584 criminal traffic offense is charged and no less than \$100 per  
585 case when a felony offense is charged, including a proceeding in  
586 which the underlying offense is a violation of probation or  
587 community control. The court may set a higher amount upon a  
588 showing of sufficient proof of higher fees or costs incurred.  
589 For purposes of this section, "convicted" means a determination  
590 of guilt, or of violation of probation or community control,  
591 which is a result of a plea, trial, or violation proceeding,  
592 regardless of whether adjudication is withheld. The court shall  
593 include these fees and costs in every judgment rendered against  
594 the convicted person.

595 (b) Upon entering a judgment of conviction, the defendant  
596 shall be liable to pay the attorney ~~attorney's~~ fees and costs in  
597 full after the judgment of conviction becomes final. The court  
598 shall impose the attorney ~~attorney's~~ fees and costs  
599 notwithstanding the defendant's present ability to pay.

600 (c) The defendant shall pay the application fee under s.



HB 1391

2021

601 27.52(1)(b) and attorney ~~attorney's~~ fees and costs in full or in  
602 installments, at the time or times specified. The court may  
603 order payment of the assessed application fee and attorney  
604 ~~attorney's~~ fees and costs as a condition of probation, of  
605 suspension of sentence, or of withholding the imposition of  
606 sentence. All funds collected under this section shall be  
607 distributed as provided in s. 27.562.

608 (2)(a) There is created in the name of the state a lien,  
609 enforceable as hereinafter provided, upon all the property, both  
610 real and personal, of any person who:

611 ~~1.~~ has received any assistance from any public defender of  
612 the state, from any special assistant public defender, from any  
613 office of criminal conflict and civil regional counsel, or from  
614 any private conflict attorney, or who has received due process  
615 services after being found indigent for costs; ~~or~~

616 ~~2. Is a parent of an accused minor or an accused adult~~  
617 ~~tax-dependent person who is being, or has been, represented by~~  
618 ~~any public defender of the state, by any special assistant~~  
619 ~~public defender, by any office of criminal conflict and civil~~  
620 ~~regional counsel, or by a private conflict attorney, or who is~~  
621 ~~receiving or has received due process services after being found~~  
622 ~~indigent for costs.~~

623  
624 Such lien constitutes a claim against the defendant-recipient ~~or~~  
625 ~~parent~~ and his or her estate, enforceable according to law.

626 (b) A judgment showing the name and residence of the  
627 defendant-recipient ~~or parent~~ shall be recorded in the public  
628 record, without cost, by the clerk of the circuit court in the  
629 county where the defendant-recipient ~~or parent~~ resides and in  
630 each county in which such defendant-recipient ~~or parent~~ then  
631 owns or later acquires any property. Such judgments shall be  
632 enforced on behalf of the state by the clerk of the circuit  
633 court of the county in which assistance was rendered. ~~The lien~~  
634 ~~against a parent shall remain in force notwithstanding the child~~  
635 ~~becoming emancipated or the child reaching the age of majority.~~

636 (3) The clerk of the circuit court within the county  
637 wherein the defendant-recipient was tried or received the  
638 services of a public defender, special assistant public  
639 defender, office of criminal conflict and civil regional  
640 counsel, or appointed private legal counsel, or received due  
641 process services after being found indigent for costs, shall  
642 enforce, satisfy, compromise, settle, subordinate, release, or  
643 otherwise dispose of any debt or lien imposed under this  
644 section. A defendant-recipient ~~or parent~~, liable to pay attorney  
645 ~~attorney's~~ fees or costs and who is not in willful default in  
646 the payment thereof, may, at any time, petition the court which  
647 entered the order for deferral of the payment of attorney  
648 ~~attorney's~~ fees or costs or of any unpaid portion thereof.

649 (4) No lien thus created shall be foreclosed upon the  
650 homestead of such defendant-recipient ~~or parent~~, nor shall any

651 defendant-recipient ~~or parent~~ liable for payment of attorney  
 652 ~~attorney's~~ fees or costs be denied any of the protections  
 653 afforded any other civil judgment debtor.

654 (5) The court having jurisdiction of the defendant-  
 655 recipient shall, at such stage of the proceedings as the court  
 656 may deem appropriate, determine the value of the services of the  
 657 public defender, special assistant public defender, office of  
 658 criminal conflict and civil regional counsel, or appointed  
 659 private legal counsel and costs, at which time the defendant-  
 660 recipient ~~or parent~~, after adequate notice thereof, shall have  
 661 opportunity to be heard and offer objection to the  
 662 determination, and to be represented by counsel, with due  
 663 opportunity to exercise and be accorded the procedures and  
 664 rights provided in the laws and court rules pertaining to civil  
 665 cases at law.

666 (6) A defendant who is a child as defined in s. 985.03,  
 667 including a child found to be dependent as defined in s.  
 668 39.01(15), or the child's parent or legal guardian, or a  
 669 defendant who is a young adult eligible for continued care  
 670 pursuant to s. 39.6251 may not be required to reimburse the  
 671 costs of or pay the fees for the services of a public defender,  
 672 special assistant public defender, office of criminal conflict  
 673 and civil regional counsel, or appointed private legal counsel,  
 674 or for received due process services, nor shall a child as  
 675 defined in s. 985.03, including a child found to be dependent as

676 defined in s. 39.01(15), or the child's parent or legal  
 677 guardian, or a young adult eligible for continued care pursuant  
 678 to s. 39.6251 be required to pay the application fee pursuant to  
 679 s. 27.52.

680 Section 20. Paragraphs (a) and (b) of subsection (1) and  
 681 subsection (2) of section 939.185, Florida Statutes, are amended  
 682 to read:

683 939.185 Assessment of additional court costs and  
 684 surcharges.—

685 (1) (a) The board of county commissioners may adopt by  
 686 ordinance an additional court cost, not to exceed \$65, to be  
 687 imposed by the court when a person, other than a child as  
 688 defined in s. 985.03, including a child found to be dependent as  
 689 defined in s. 39.01(15), or a young adult eligible for continued  
 690 care pursuant to s. 39.6251, pleads guilty or nolo contendere  
 691 to, or is found guilty of, ~~or adjudicated delinquent for,~~ any  
 692 felony, misdemeanor, ~~delinquent act,~~ or criminal traffic offense  
 693 under the laws of this state. Such additional assessment shall  
 694 be accounted for separately by the county in which the offense  
 695 occurred and be used only in the county imposing this cost, to  
 696 be allocated as follows:

697 1. Twenty-five percent of the amount collected shall be  
 698 allocated to fund innovations, as determined by the chief judge  
 699 of the circuit, to supplement state funding for the elements of  
 700 the state courts system identified in s. 29.004 and county

701 funding for local requirements under s. 29.008(2)(a)2.

702         2. Twenty-five percent of the amount collected shall be  
 703 allocated to assist counties in providing legal aid programs  
 704 required under s. 29.008(3)(a).

705         3. Twenty-five percent of the amount collected shall be  
 706 allocated to fund personnel and legal materials for the public  
 707 as part of a law library.

708         4. Twenty-five percent of the amount collected shall be  
 709 used as determined by the board of county commissioners to  
 710 support teen court programs, except as provided in s. 938.19(7),  
 711 juvenile assessment centers, and other juvenile alternative  
 712 programs.

713  
 714 Each county receiving funds under this section shall report the  
 715 amount of funds collected pursuant to this section and an  
 716 itemized list of expenditures for all authorized programs and  
 717 activities. The report shall be submitted in a format developed  
 718 by the Supreme Court to the Governor, the Chief Financial  
 719 Officer, the President of the Senate, and the Speaker of the  
 720 House of Representatives on a quarterly basis beginning with the  
 721 quarter ending September 30, 2004. Quarterly reports shall be  
 722 submitted no later than 30 days after the end of the quarter.  
 723 Any unspent funds at the close of the county fiscal year  
 724 allocated under subparagraphs 2., 3., and 4., shall be  
 725 transferred for use pursuant to subparagraph 1.

726 (b) In addition to the court costs imposed under paragraph  
727 (a) and any other cost, fine, or penalty imposed by law, any  
728 unit of local government which is consolidated as provided by s.  
729 9, Art. VIII of the State Constitution of 1885, as preserved by  
730 s. 6(e), Art. VIII of the State Constitution of 1968, and which  
731 is granted the authority in the State Constitution to exercise  
732 all the powers of a municipal corporation, and any unit of local  
733 government operating under a home rule charter adopted pursuant  
734 to ss. 10, 11, and 24, Art. VIII of the State Constitution of  
735 1885, as preserved by s. 6(e), Art. VIII of the State  
736 Constitution of 1968, which is granted the authority in the  
737 State Constitution to exercise all the powers conferred now or  
738 hereafter by general law upon municipalities, may impose by  
739 ordinance a surcharge in the amount of \$85 to be imposed by the  
740 court when a person, other than a child as defined in s. 985.03,  
741 including a child found to be dependent as defined in s.  
742 39.01(15), or a young adult eligible for continued care pursuant  
743 to s. 39.6251, pleads guilty or nolo contendere to, or is found  
744 guilty of, ~~or adjudicated delinquent for,~~ any felony,  
745 misdemeanor, ~~delinquent act,~~ or criminal traffic offense under  
746 the laws of this state. Revenue from the surcharge shall be  
747 transferred to such unit of local government for the purpose of  
748 replacing fine revenue deposited into the clerk's fine and  
749 forfeiture fund under s. 142.01. Proceeds from the imposition of  
750 the surcharge authorized in this paragraph shall not be used for

751 the purpose of securing payment of the principal and interest on  
 752 bonds.

753 (2) The court shall order a person, other than a child as  
 754 defined in s. 985.03, including a child found to be dependent as  
 755 defined in s. 39.01(15), or a young adult eligible for continued  
 756 care pursuant to s. 39.6251, to pay the additional court cost.

757 If the person is determined to be indigent, the clerk shall  
 758 defer payment of this cost.

759 Section 21. Paragraph (b) of subsection (1) of section  
 760 943.0515, Florida Statutes, is amended to read:

761 943.0515 Retention of criminal history records of minors.—

762 (1)

763 (b)1. If the minor is not classified as a serious or  
 764 habitual juvenile offender or committed to a juvenile  
 765 correctional facility or juvenile prison under chapter 985, the  
 766 program shall retain the minor's criminal history record for 2  
 767 years after the date the minor reaches 19 years of age, at which  
 768 time the record shall be expunged unless it meets the criteria  
 769 of paragraph (2)(a) or paragraph (2)(b).

770 2. A minor described in subparagraph 1. may apply to the  
 771 department to have his or her criminal history record expunged  
 772 before the minor reaches 21 years of age. To be eligible for  
 773 expunction under this subparagraph, the minor must be 18 years  
 774 of age or older and less than 21 years of age and have not been  
 775 charged by the state attorney with or found to have committed

776 any criminal offense within the 5-year period before the  
777 application date. The only offenses eligible to be expunged  
778 under this subparagraph are those that the minor committed  
779 before the minor reached 18 years of age. A criminal history  
780 record expunged under this subparagraph requires the approval of  
781 the state attorney for each circuit in which an offense  
782 specified in the criminal history record occurred. A minor  
783 seeking to expunge a criminal history record under this  
784 subparagraph shall apply to the department for expunction in the  
785 manner prescribed by rule. An application for expunction under  
786 this subparagraph shall include:

787 ~~a. A processing fee of \$75 to the department for placement~~  
788 ~~in the Department of Law Enforcement Operating Trust Fund,~~  
789 ~~unless such fee is waived by the executive director.~~

790 a.b. A full set of fingerprints of the applicant taken by  
791 a law enforcement agency for purposes of identity verification.

792 b.c. A sworn, written statement from the minor seeking  
793 relief that he or she is no longer under court supervision  
794 applicable to the disposition of the arrest or alleged criminal  
795 activity to which the application to expunge pertains and that  
796 he or she has not been charged with or found to have committed a  
797 criminal offense, in any jurisdiction of the state or within the  
798 United States, within the 5-year period before the application  
799 date. A person who knowingly provides false information on the  
800 sworn statement required by this sub-subparagraph commits a



801 | misdemeanor of the first degree, punishable as provided in s.  
 802 | 775.082 or s. 775.083.

803 |         3. A minor who applies, but who is not approved for early  
 804 | expunction in accordance with subparagraph 2., shall have his or  
 805 | her criminal history record expunged at age 21 if eligible under  
 806 | subparagraph 1.

807 |         Section 22. Subsections (1) and (2) of section 948.09,  
 808 | Florida Statutes, are amended, and subsection (7) is added to  
 809 | that section, to read:

810 |         948.09 Payment for cost of supervision and other monetary  
 811 | obligations.—

812 |         (1) (a) 1. Any person, other than a child as defined in s.  
 813 | 985.03, including a child found to be dependent as defined in s.  
 814 | 39.01(15), or a young adult eligible for continued care pursuant  
 815 | to s. 39.6251, ordered by the court, the Department of  
 816 | Corrections, or the Florida Commission on Offender Review to be  
 817 | placed under supervision under this chapter, chapter 944,  
 818 | chapter 945, chapter 947, or chapter 958, or in a pretrial  
 819 | intervention program, must, as a condition of any placement, pay  
 820 | the department a total sum of money equal to the total month or  
 821 | portion of a month of supervision times the court-ordered  
 822 | amount, but not to exceed the actual per diem cost of the  
 823 | supervision. The department shall adopt rules by which an  
 824 | offender who pays in full and in advance of regular termination  
 825 | of supervision may receive a reduction in the amount due. The

826 rules shall incorporate provisions by which the offender's  
827 ability to pay is linked to an established written payment plan.  
828 Funds collected from felony offenders may be used to offset  
829 costs of the Department of Corrections associated with community  
830 supervision programs, subject to appropriation by the  
831 Legislature.

832 2. In addition to any other contribution or surcharge  
833 imposed by this section, each felony offender assessed under  
834 this paragraph shall pay a \$2-per-month surcharge to the  
835 department. The surcharge shall be deemed to be paid only after  
836 the full amount of any monthly payment required by the  
837 established written payment plan has been collected by the  
838 department. These funds shall be used by the department to pay  
839 for correctional probation officers' training and equipment,  
840 including radios, and firearms training, firearms, and attendant  
841 equipment necessary to train and equip officers who choose to  
842 carry a concealed firearm while on duty. This subparagraph does  
843 not limit the department's authority to determine who shall be  
844 authorized to carry a concealed firearm while on duty, or limit  
845 the right of a correctional probation officer to carry a  
846 personal firearm approved by the department.

847 (b) Any person, other than a child as defined in s.  
848 985.03, including a child found to be dependent as defined in s.  
849 39.01(15), or a young adult eligible for continued care pursuant  
850 to s. 39.6251, placed on misdemeanor probation by a county court

HB 1391

2021

851 must contribute not less than \$40 per month, as decided by the  
852 sentencing court, to the court-approved public or private entity  
853 providing misdemeanor supervision.

854 (2) Any person, other than a child as defined in s.  
855 985.03, including a child found to be dependent as defined in s.  
856 39.01(15), or a young adult eligible for continued care pursuant  
857 to s. 39.6251, being electronically monitored by the department  
858 as a result of being placed on supervision shall pay the  
859 department for electronic monitoring services at a rate that may  
860 not exceed the full cost of the monitoring service in addition  
861 to the cost of supervision as directed by the sentencing court.  
862 The funds collected under this subsection shall be deposited in  
863 the General Revenue Fund. The department may exempt a person  
864 from paying all or any part of the costs of the electronic  
865 monitoring service if it finds that any of the factors listed in  
866 subsection (3) exist.

867 (7) A child as defined in s. 985.03, including a child  
868 found to be dependent as defined in s. 39.01(15), or the child's  
869 parent or legal guardian, or a young adult eligible for  
870 continued care pursuant to s. 39.6251 may not be required to  
871 reimburse the costs of or pay the fees for the supervision and  
872 monitoring services provided in this section.

873 Section 23. Subsection (5) of section 960.28, Florida  
874 Statutes, is amended to read:

875 960.28 Payment for victims' initial forensic physical

876 examinations.-

877 (5) A defendant, other than a child as defined in s.  
878 985.03, including a child found to be dependent as defined in s.  
879 39.01(15), or a young adult eligible for continued care pursuant  
880 to s. 39.6251, ~~or juvenile offender~~ who pleads guilty or nolo  
881 contendere to, or is convicted of ~~or adjudicated delinquent for,~~  
882 a violation of chapter 794 or chapter 800 shall be ordered by  
883 the court to make restitution to the Crimes Compensation Trust  
884 Fund in an amount equal to the compensation paid to the medical  
885 provider by the Crime Victims' Services Office for the cost of  
886 the initial forensic physical examination. The order may be  
887 enforced by the department in the same manner as a judgment in a  
888 civil action.

889 Section 24. Subsection (2) of section 985.032, Florida  
890 Statutes, is amended to read:

891 985.032 Legal representation for delinquency cases.-

892 (2) A juvenile who has been adjudicated delinquent or has  
893 had adjudication of delinquency withheld may not ~~shall~~ be  
894 assessed the costs of prosecution or probation or diversion  
895 services ~~as provided in s. 938.27.~~

896 Section 25. Section 985.033, Florida Statutes, is amended  
897 to read:

898 985.033 Right to counsel.-

899 (1) A child is entitled to representation by legal counsel  
900 at all stages of any delinquency court proceedings under this

901 chapter. If the child and the parents or other legal guardian do  
902 not ~~are indigent and unable to~~ employ counsel for the child, the  
903 court shall appoint counsel under s. 27.52. ~~Determination of~~  
904 ~~indigence and costs of representation shall be as provided by~~  
905 ~~ss. 27.52 and 938.29.~~ Legal counsel representing a child who  
906 exercises the right to counsel shall be allowed to provide  
907 advice and counsel to the child at any time subsequent to the  
908 child's arrest, including before ~~prior to~~ a detention hearing  
909 while in secure detention care. A child shall be represented by  
910 legal counsel at all stages of all court proceedings ~~unless the~~  
911 ~~right to counsel is freely, knowingly, and intelligently waived~~  
912 ~~by the child.~~ If the child appears without counsel, the court  
913 shall advise the child of his or her rights with respect to  
914 representation of court-appointed counsel.

915 (2) This section does not apply to transfer proceedings  
916 under s. 985.441(4), unless the court sets a hearing to review  
917 the transfer.

918 (3) If the parents or legal guardian of an indigent child  
919 are not indigent but refuse to employ counsel, the court shall  
920 appoint counsel pursuant to s. 27.52 to represent the child at  
921 the detention hearing and until counsel is provided. ~~Costs of~~  
922 ~~representation are hereby imposed as provided by ss. 27.52 and~~  
923 ~~938.29. Thereafter, the court shall not appoint counsel for an~~  
924 ~~indigent child with nonindigent parents or legal guardian but~~  
925 ~~shall order the parents or legal guardian to obtain private~~

HB 1391

2021

926 ~~counsel. A parent or legal guardian of an indigent child who has~~  
927 ~~been ordered to obtain private counsel for the child and who~~  
928 ~~willfully fails to follow the court order shall be punished by~~  
929 ~~the court in civil contempt proceedings.~~

930       (4) If the court appoints counsel under s. 27.52, the  
931 child or the child's parent or legal guardian may not be  
932 required to pay the fees, costs, and expenses of the appointed  
933 counsel, nor shall the child or the child's parent or legal  
934 guardian be required to pay the application fee for an indigency  
935 determination under s. 27.52(1)(b). ~~An indigent child with~~  
936 ~~nonindigent parents or legal guardian may have counsel appointed~~  
937 ~~pursuant to s. 27.52 if the parents or legal guardian have~~  
938 ~~willfully refused to obey the court order to obtain counsel for~~  
939 ~~the child and have been punished by civil contempt and then~~  
940 ~~still have willfully refused to obey the court order. Costs of~~  
941 ~~representation are hereby imposed as provided by ss. 27.52 and~~  
942 ~~938.29.~~

943       ~~(5) Notwithstanding any provision of this section or any~~  
944 ~~other law to the contrary, if a child is transferred for~~  
945 ~~criminal prosecution pursuant to this chapter, a nonindigent or~~  
946 ~~indigent but able to contribute parent or legal guardian of the~~  
947 ~~child pursuant to s. 27.52 is liable for necessary legal fees~~  
948 ~~and costs incident to the criminal prosecution of the child as~~  
949 ~~an adult.~~

950       Section 26. Section 985.039, Florida Statutes, is amended

951 to read:

952       985.039 Cost of supervision; cost of care.—A child or the  
953 child's parent or legal guardian may not be ordered to pay fees  
954 under this chapter, including probation supervision fees, or  
955 court administration fees, including the cost of court-appointed  
956 attorneys or public defenders, the cost of prosecution, or other  
957 administrative costs of the court.

958       ~~(1) Except as provided in subsection (3) or subsection~~  
959 ~~(4):~~

960       ~~(a) When any child is placed into supervised release~~  
961 ~~detention, probation, or other supervision status with the~~  
962 ~~department, or is committed to the minimum-risk nonresidential~~  
963 ~~restrictiveness level, the court shall order the parent of such~~  
964 ~~child to pay to the department a fee for the cost of the~~  
965 ~~supervision of such child in the amount of \$1 per day for each~~  
966 ~~day that the child is in such status.~~

967       ~~(b) When any child is placed into secure detention or~~  
968 ~~placed on committed status and the temporary legal custody of~~  
969 ~~such child is placed with the department, the court shall order~~  
970 ~~the parent of such child to pay to the department a fee for the~~  
971 ~~cost of the care of such child in the amount of \$5 per day for~~  
972 ~~each day that the child is in the temporary legal custody of the~~  
973 ~~department.~~

974       ~~(2) The parent of any child who has been placed under the~~  
975 ~~supervision or care of the department shall provide to the~~

976 | ~~department his or her name, address, social security number,~~  
977 | ~~date of birth, driver license number or identification card~~  
978 | ~~number, and sufficient financial information so as to assist the~~  
979 | ~~court in determining the parent's ability to pay any fee~~  
980 | ~~associated with the cost of the child's supervision or care. If~~  
981 | ~~the parent refuses to provide the department with the~~  
982 | ~~information required by this subsection, the court shall order~~  
983 | ~~the parent to provide such information. The failure of the~~  
984 | ~~parent to comply with such order of the court constitutes~~  
985 | ~~contempt of court, and the court may punish the parent~~  
986 | ~~accordingly.~~

987 |       ~~(3) At the time of any detention or disposition hearing,~~  
988 | ~~the court shall receive the information described in subsection~~  
989 | ~~(2), as well as any other verbal or written information offered~~  
990 | ~~as to the ability of the parent of a child who is being placed~~  
991 | ~~under the supervision or care of the department to pay any fee~~  
992 | ~~imposed pursuant to this section and whether the payment of such~~  
993 | ~~fee will create a significant financial hardship. The court may~~  
994 | ~~apportion the obligation for the fee to each parent in a manner~~  
995 | ~~it deems appropriate; however, the total amount of the daily fee~~  
996 | ~~may not exceed the amounts specified in this section. Any~~  
997 | ~~finding made by the court as to the ability of the parent to pay~~  
998 | ~~such fee, including any finding of indigency or significant~~  
999 | ~~financial hardship, shall be in writing and shall contain a~~  
1000 | ~~detailed description of the facts supporting such finding. If~~



1001 ~~the court makes a finding of indigency and significant financial~~  
1002 ~~hardship, the court shall waive the fee or reduce it to an~~  
1003 ~~amount deemed appropriate.~~

1004 ~~(4) Notwithstanding subsection (3), the court may reduce~~  
1005 ~~or waive the fee as to each parent if the court makes a finding~~  
1006 ~~on the record that the parent was the victim of the delinquent~~  
1007 ~~act or violation of law for which the child has been placed~~  
1008 ~~under the supervision or care of the department and that the~~  
1009 ~~parent is cooperating or has cooperated with the investigation~~  
1010 ~~of the offense.~~

1011 ~~(5) The court shall order the payment of any fees required~~  
1012 ~~in this section as part of the detention or disposition order.~~  
1013 ~~Such order must include specific written findings as to what~~  
1014 ~~fees are ordered, reduced, or waived. If the court fails to~~  
1015 ~~enter an order as required by this section, the parent is deemed~~  
1016 ~~to have an obligation to pay to the department a fee in the~~  
1017 ~~amount of \$1 per day for each day that the child is under the~~  
1018 ~~supervision of the department and \$5 per day for each day that~~  
1019 ~~the child remains in the care of the department.~~

1020 ~~(6) Notwithstanding subsection (1), with respect to a~~  
1021 ~~child who reaches the age of 18 prior to the detention or~~  
1022 ~~disposition hearing, the court may elect to direct an order~~  
1023 ~~required by this section to such child, rather than to the~~  
1024 ~~child's parent. With regard to a child who reaches 18 while~~  
1025 ~~under the supervision or care of the department, the court may,~~

1026 ~~upon proper motion of any party, hold a hearing as to whether~~  
1027 ~~any party should be further obligated to pay any fee associated~~  
1028 ~~with cost of the supervision or care of such child. If the court~~  
1029 ~~does not enter an order under this subsection, it shall be~~  
1030 ~~presumed that the court intended for the parent to pay or to~~  
1031 ~~continue to pay the fees specified in this section. Any order~~  
1032 ~~entered pursuant to this subsection must include specific~~  
1033 ~~findings as to what fees are ordered, reduced, or waived as to~~  
1034 ~~the child.~~

1035 ~~(7) With respect to a child who has been placed under the~~  
1036 ~~supervision or care of the department and whose parent receives~~  
1037 ~~public assistance for any portion of such child's care, the~~  
1038 ~~department must seek a federal waiver to garnish or otherwise~~  
1039 ~~order the payment of a portion of the public assistance relating~~  
1040 ~~to such child, in an amount not to exceed the amount of the~~  
1041 ~~parent's obligation, in order to offset the costs to the~~  
1042 ~~department associated with providing supervision or care of such~~  
1043 ~~child.~~

1044 ~~(8) If any order entered pursuant to this section affects~~  
1045 ~~the guardianship of an estate, a certified copy of such order~~  
1046 ~~shall be delivered to the judge having jurisdiction over the~~  
1047 ~~guardianship of the estate.~~

1048 ~~(9) The department may employ a collection agency for the~~  
1049 ~~purpose of receiving, collecting, and managing the payment of~~  
1050 ~~any fees ordered pursuant to this section that have gone~~

HB 1391

2021

1051 ~~delinquent or unpaid for 90 days or more. The collection agency~~  
1052 ~~must be registered and in good standing under chapter 559. The~~  
1053 ~~department may pay for the services of the collection agency~~  
1054 ~~from available authorized funds or from funds generated by any~~  
1055 ~~collections under this subsection. Alternatively, the department~~  
1056 ~~may authorize the collection agency to withhold a specified~~  
1057 ~~amount of any fee collected as payment for its services.~~

1058 ~~(10) The department or the collection agency shall provide~~  
1059 ~~to the payor documentation of the payment of any fee paid~~  
1060 ~~pursuant to this section. Except as provided in subsection (9),~~  
1061 ~~all payments received by the department or the collection agency~~  
1062 ~~pursuant to this section shall be deposited in the department's~~  
1063 ~~Grants and Donations Trust Fund.~~

1064 ~~(11) Under no circumstance shall the court or the~~  
1065 ~~department extend the child's length of stay in the department's~~  
1066 ~~supervision or care solely for the purpose of collecting the~~  
1067 ~~fees specified in this section.~~

1068 ~~(12) No parent or child shall be liable for any fee~~  
1069 ~~provided in this section unless:~~

1070 ~~(a) The child is adjudicated delinquent, or has~~  
1071 ~~adjudication of delinquency withheld, for the offense that gave~~  
1072 ~~rise to the supervision or care; or~~

1073 ~~(b) The child is found to have violated an order of the~~  
1074 ~~court, including any order of supervision or care, and the costs~~  
1075 ~~are associated with the violation of such order.~~

1076  
 1077 ~~If any funds are paid for the supervision or care of a child who~~  
 1078 ~~is determined not to meet the criteria specified in paragraph~~  
 1079 ~~(a) or paragraph (b), such funds shall be refunded to the payor~~  
 1080 ~~forthwith.~~

1081 ~~(13) For purposes of this section, "parent" means any~~  
 1082 ~~person who meets the definition of "parent" or "legal custody or~~  
 1083 ~~guardian" in s. 985.03.~~

1084 Section 27. Paragraph (b) of subsection (2) of section  
 1085 985.12, Florida Statutes, is amended to read:

1086 985.12 Civil citation or similar prearrest diversion  
 1087 programs.—

1088 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST  
 1089 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

1090 (b) Each judicial circuit's civil citation or similar  
 1091 prearrest diversion program must specify all of the following:

- 1092 1. The misdemeanor offenses that qualify a juvenile for  
 1093 participation in the program.†
- 1094 2. The eligibility criteria for the program.†
- 1095 3. The program's implementation and operation.†
- 1096 4. The program's requirements, including, but not limited  
 1097 to, the completion of community service hours, payment of  
 1098 restitution, if applicable, and intervention services indicated  
 1099 by a needs assessment of the juvenile, approved by the  
 1100 department, such as family counseling, urinalysis monitoring,

1101 and substance abuse and mental health treatment services;~~and~~  
 1102 5. ~~A program fee, if any, to be paid by a juvenile~~  
 1103 ~~participating in the program. If the program imposes a fee, the~~  
 1104 ~~clerk of the court of the applicable county must receive a~~  
 1105 ~~reasonable portion of the fee.~~

1106 Section 28. Subsection (2) of section 985.145, Florida  
 1107 Statutes, is amended to read:

1108 985.145 Responsibilities of the department during intake;  
 1109 screenings and assessments.-

1110 (2) Before ~~Prior to~~ requesting that a delinquency petition  
 1111 be filed or before ~~prior to~~ filing a dependency petition, the  
 1112 department may request the parent or legal guardian of the child  
 1113 to attend a course of instruction in parenting skills, training  
 1114 in conflict resolution, and the practice of nonviolence; to  
 1115 accept counseling; or to receive other assistance from any  
 1116 agency in the community which notifies the clerk of the court of  
 1117 the availability of its services. Where appropriate, the  
 1118 department shall request both parents or guardians to receive  
 1119 such parental assistance. The department may, in determining  
 1120 whether to request that a delinquency petition be filed, take  
 1121 into consideration the willingness of the parent or legal  
 1122 guardian to comply with such request. ~~The parent or guardian~~  
 1123 ~~must provide the department with identifying information,~~  
 1124 ~~including the parent's or guardian's name, address, date of~~  
 1125 ~~birth, social security number, and driver license number or~~

1126 ~~identification card number in order to comply with s. 985.039.~~

1127 Section 29. Paragraphs (g) and (h) of subsection (5) of  
 1128 section 985.155, Florida Statutes, are redesignated as  
 1129 paragraphs (f) and (g), respectively, and present paragraph (f)  
 1130 of that subsection and paragraph (a) of subsection (6) are  
 1131 amended to read:

1132 985.155 Neighborhood restorative justice.—

1133 (5) SANCTIONS.—After holding a meeting pursuant to  
 1134 paragraph (4) (d), the board may impose any of the following  
 1135 sanctions alone or in any combination:

1136 ~~(f) Require the juvenile to surrender the juvenile's~~  
 1137 ~~driver license and forward a copy of the board's resolution to~~  
 1138 ~~the Department of Highway Safety and Motor Vehicles. The~~  
 1139 ~~department, upon receipt of the license, shall suspend the~~  
 1140 ~~driving privileges of the juvenile, or the juvenile may be~~  
 1141 ~~restricted to travel between the juvenile's home, school, and~~  
 1142 ~~place of employment during specified periods of time according~~  
 1143 ~~to the juvenile's school and employment schedule.~~

1144 (6) WRITTEN CONTRACT.—

1145 (a) The board, on behalf of the community, and the  
 1146 juvenile, the juvenile's parent or guardian, and the victim or  
 1147 representative of the victim, shall sign a written contract in  
 1148 which the parties agree to the board's resolution of the matter  
 1149 and in which the juvenile's parent or guardian agrees to ensure  
 1150 that the juvenile complies with the contract. ~~The contract may~~

HB 1391

2021

1151 ~~provide that the parent or guardian shall post a bond payable to~~  
1152 ~~this state to secure the performance of any sanction imposed~~  
1153 ~~upon the juvenile pursuant to subsection (5).~~

1154 Section 30. Subsection (6) of section 985.18, Florida  
1155 Statutes, is amended to read:

1156 985.18 Medical, psychiatric, psychological, substance  
1157 abuse, and educational examination and treatment.—

1158 (6) A physician must be immediately notified by the person  
1159 taking the child into custody or the person having custody if  
1160 there are indications of physical injury or illness, or the  
1161 child shall be taken to the nearest available hospital for  
1162 emergency care. A child may be provided mental health, substance  
1163 abuse, or intellectual disability services in emergency  
1164 situations pursuant to chapter 393, chapter 394, or chapter 397,  
1165 as applicable. Such costs must be paid for by an approved  
1166 provider with sufficient state or federal funding or compensated  
1167 by public or private medical insurance. The court may not ~~After~~  
1168 ~~a hearing, the court may~~ order the custodial parent or parents,  
1169 guardian, or other custodian, ~~if found able to do so,~~ to  
1170 reimburse the county or state for the expense involved in such  
1171 emergency treatment or care.

1172 Section 31. Section 985.331, Florida Statutes, is amended  
1173 to read:

1174 985.331 Court and witness fees.—In any proceeding under  
1175 this chapter, court fees may ~~shall~~ not be charged against, nor

1176 witness fees allowed to or charged against, any party to a  
 1177 delinquency petition or any parent or legal guardian or  
 1178 custodian or child named in a summons. ~~Other witnesses shall be~~  
 1179 ~~paid the witness fees fixed by law.~~

1180 Section 32. Section 985.514, Florida Statutes, is  
 1181 repealed.

1182 Section 33. Section 985.038, Florida Statutes, is created  
 1183 to read:

1184 985.038 Fees and costs assessed before the effective date  
 1185 of this act.—On and after July 1, 2021:

1186 (1) The balance of any court-ordered costs imposed against  
 1187 a child as defined in s. 985.03, including a child found to be  
 1188 dependent as defined in s. 39.01(15), or the child's parent or  
 1189 legal guardian, or a young adult eligible for continued care  
 1190 pursuant to s. 39.6251, pursuant to ss. 775.083, 938.01, 938.03,  
 1191 938.05, 938.055, 938.06, 938.08, 938.085, 938.10, 938.13,  
 1192 938.15, 938.19, 938.23, 938.27, 939.185, 943.0515, 948.09,  
 1193 960.28, 985.032, 985.033, 985.039, 985.12, 985.145, 985.155,  
 1194 985.18, 985.331, and 985.514, are unenforceable and  
 1195 uncollectable, and, on January 1, 2022, the portion of the  
 1196 judgment imposing those costs is vacated and discharged.

1197 (2) The balance of any court-ordered costs imposed  
 1198 pursuant to ss. 27.52, 938.29, and 938.35 relating to the  
 1199 rendering of legal services to a child as defined in s. 985.03,  
 1200 including a child found to be dependent as defined in s.



HB 1391

2021

1201 39.01(15), or the child's parent or legal guardian, or a young  
1202 adult eligible for continued care pursuant to s. 39.6251 by an  
1203 attorney are unenforceable and uncollectable, and, on January 1,  
1204 2022, the portion of the judgment imposing those costs is  
1205 vacated and discharged.

1206 (3) All unsatisfied civil judgments or portions of  
1207 judgments based on unpaid costs, fees, reimbursements, or other  
1208 financial obligations imposed pursuant to a provision repealed  
1209 by this act on a child as defined in s. 985.03, including a  
1210 child found to be dependent as defined in s. 39.01(15), or the  
1211 child's parent or legal guardian, or a young adult eligible for  
1212 continued care pursuant to s. 39.6251 are null and void and, for  
1213 all legal purposes, are vacated and discharged. Any procedures  
1214 necessary to accomplish the purposes of this section may not  
1215 require any affirmative action on the part of any delinquent  
1216 child or the child's parent or legal guardian or any delinquent  
1217 young adult subject to such judgment. Such procedures shall be  
1218 designed and implemented so as to accomplish the vacatur and  
1219 discharge of all such civil judgments or portions of such  
1220 judgments by January 1, 2022.

1221 (4) All warrants issued solely based on the alleged  
1222 failure of a child as defined in s. 985.03, including a child  
1223 found to be dependent as defined in s. 39.01(15), or the child's  
1224 parent or legal guardian, or a young adult eligible for  
1225 continued care pursuant to s. 39.6251 to pay or to appear on a

1226 court date set for the sole purpose of payment of costs, fees,  
1227 reimbursements, or other financial obligations imposed pursuant  
1228 to a provision repealed by this act are null and void. Any  
1229 procedures necessary to accomplish the purposes of this section  
1230 shall not require any affirmative action on the part of a child  
1231 as defined in s. 985.03, including a child found to be dependent  
1232 as defined in s. 39.01(15), or the child's parent or legal  
1233 guardian, or a young adult eligible for continued care pursuant  
1234 to s. 39.6251 subject to such warrant. Such procedures shall be  
1235 designed and implemented so as to accomplish the rescinding and  
1236 expungement of all such warrants by January 1, 2022.

1237 (5) A child as defined in s. 985.03, including a child  
1238 found to be dependent as defined in s. 39.01(15), or the child's  
1239 parent or legal guardian, or a young adult eligible for  
1240 continued care pursuant to s. 39.6251 who has had his or her  
1241 driver license suspended for nonpayment of court costs and fees  
1242 under s. 318.15 or s. 322.245 shall immediately have his or her  
1243 driver license reinstated.

1244 Section 34. The Division of Law Revision shall replace the  
1245 phrase "this act" wherever it occurs in this act with the  
1246 chapter law number assigned to this act.

1247 Section 35. This act shall take effect July 1, 2021.