

By Senator Book

32-00406-22

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1 A bill to be entitled
2 An act relating to the elimination of court-related
3 financial obligations for juveniles; providing a short
4 title; amending ss. 27.52, 318.15, 322.245, 775.083,
5 938.01, 938.03, 938.05, 938.055, 938.06, 938.08,
6 938.085, 938.10, 938.13, 938.15, 938.19, 938.23,
7 938.27, 938.29, 938.35, 939.185, 943.0515, 944.485,
8 948.09, 960.28, 985.032, 985.033, 985.039, 985.12,
9 985.145, 985.155, 985.18, and 985.331, F.S.; deleting
10 certain children and young adults, and the parents or
11 guardians of such children and young adults, from
12 numerous provisions relating to fees, costs, and
13 financial obligations; conforming provisions to
14 changes made by the act; repealing s. 985.514, F.S.,
15 relating to responsibility for cost of care and fees;
16 creating s. 985.038, F.S.; providing that certain fees
17 and court-ordered costs are unenforceable and
18 uncollectable; providing that unsatisfied civil
19 judgments or portions of judgments imposing those
20 costs, fees, reimbursements, or other financial
21 obligations pursuant to specified provisions are
22 vacated and discharged; providing that warrants issued
23 solely based on the alleged failure to pay certain
24 costs or to appear on a court date set for payment of
25 costs, fees, reimbursements, or other financial
26 obligations imposed pursuant to specified provisions
27 are null and void; requiring reinstatement of driver
28 licenses that have been suspended for failure to make
29 specified payments; providing construction; providing

32-00406-22

2022428__

30 a directive to the Division of Law Revision; providing
31 an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. This act may be cited as the "Debt-Free Justice
36 for Children Act."

37 Section 2. Subsections (1) and (6) of section 27.52,
38 Florida Statutes, are amended to read:

39 27.52 Determination of indigent status.—

40 (1) APPLICATION TO THE CLERK.—A person, other than a child
41 as defined in s. 985.03, including a child found to be dependent
42 as defined in s. 39.01(14), or a young adult eligible for
43 continued care pursuant to s. 39.6251, seeking appointment of a
44 public defender under s. 27.51 based upon an inability to pay
45 must apply to the clerk of the court for a determination of
46 indigent status using an application form developed by the
47 Florida Clerks of Court Operations Corporation with final
48 approval by the Supreme Court.

49 (a) The application must include, at a minimum, the
50 following financial information:

51 1. Net income, consisting of total salary and wages, minus
52 deductions required by law, including court-ordered support
53 payments.

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

32-00406-22

2022428__

59 and gifts.

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

64 4. All liabilities and debts.

65 5. If applicable, the amount of any bail paid for the
66 applicant's release from incarceration and the source of the
67 funds.

68

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

75 (b) An applicant shall pay a \$50 application fee to the
76 clerk for each application for court-appointed counsel filed,
77 unless the applicant is a child as defined in s. 985.03,
78 including a child found to be dependent as defined in s.
79 39.01(14), the child's parent or legal guardian, or a young
80 adult eligible for continued care pursuant to s. 39.6251, in
81 which case the application fee is waived, and the child as
82 defined in s. 985.03, the child found to be dependent as defined
83 in s. 39.01(14), or the young adult eligible for continued care
84 pursuant to s. 39.6251 is automatically granted indigent status.

85 The applicant shall pay the fee within 7 days after submitting
86 the application. If the applicant does not pay the fee before
87 ~~prior to~~ the disposition of the case, the clerk shall notify the

32-00406-22

2022428__

88 court, and the court shall:

89 1. Assess the application fee as part of the sentence or as
90 a condition of probation; or

91 2. Assess the application fee pursuant to s. 938.29.

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

98 (d) All application fees collected by the clerk under this
99 section shall be transferred monthly by the clerk to the
100 Department of Revenue for deposit in the Indigent Criminal
101 Defense Trust Fund administered by the Justice Administrative
102 Commission, to be used as appropriated by the Legislature. The
103 clerk may retain 2 percent of application fees collected monthly
104 for administrative costs from which the clerk shall remit \$0.20
105 from each application fee to the Department of Revenue for
106 deposit into the General Revenue Fund before ~~prior to~~ remitting
107 the remainder to the Department of Revenue for deposit in the
108 Indigent Criminal Defense Trust Fund.

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

114 2. If the person seeking appointment of a public defender
115 is incarcerated, the public defender is responsible for
116 providing the application to the person and assisting him or her

32-00406-22

2022428__

117 in its completion and is responsible for submitting the
118 application to the clerk on the person's behalf. The public
119 defender may enter into an agreement for jail employees,
120 pretrial services employees, or employees of other criminal
121 justice agencies to assist the public defender in performing
122 functions assigned to the public defender under this
123 subparagraph.

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

32-00406-22

2022428__

146 ~~guardian of the minor or adult tax dependent person. The lien is~~
147 ~~enforceable as provided in s. 27.561 or s. 938.29.~~

148 Section 3. Paragraph (a) of subsection (1) of section
149 318.15, Florida Statutes, is amended, and subsection (4) is
150 added to that section, to read:

151 318.15 Failure to comply with civil penalty or to appear;
152 penalty.-

153 (1) (a) If a person, other than a child as defined in s.
154 985.03, including a child found to be dependent as defined in s.
155 39.01(14), or a young adult eligible for continued care pursuant
156 to s. 39.6251, fails to comply with the civil penalties provided
157 in s. 318.18 within the time period specified in s. 318.14(4),
158 fails to enter into or comply with the terms of a penalty
159 payment plan with the clerk of the court in accordance with ss.
160 318.14 and 28.246, fails to attend driver improvement school, or
161 fails to appear at a scheduled hearing, the clerk of the court
162 must notify the Department of Highway Safety and Motor Vehicles
163 of such failure within 10 days after such failure. Upon receipt
164 of such notice, the department must immediately issue an order
165 suspending the driver license and privilege to drive of such
166 person effective 20 days after the date the order of suspension
167 is mailed in accordance with s. 322.251(1), (2), and (6). The
168 order also must inform the person that he or she may contact the
169 clerk of the court to establish a payment plan pursuant to s.
170 28.246(4) to make partial payments for court-related fines,
171 fees, service charges, and court costs. Any such suspension of
172 the driving privilege which has not been reinstated, including a
173 similar suspension imposed outside of this state, must remain on
174 the records of the department for a period of 7 years from the

32-00406-22

2022428__

175 date imposed and must be removed from the records after the
176 expiration of 7 years from the date it is imposed. The
177 department may not accept the resubmission of such suspension.

178 (4) A child as defined in s. 985.03, including a child
179 found to be dependent as defined in s. 39.01(14), or a young
180 adult eligible for continued care pursuant to s. 39.6251 may not
181 be charged any of the fees in this section. Any such child as
182 defined in s. 985.03, including a child found to be dependent as
183 defined in s. 39.01(14), or a young adult eligible for continued
184 care pursuant to s. 39.6251 who has had his or her driver
185 license suspended solely for nonpayment of fees under this
186 section shall have his or her driver license reinstated pursuant
187 to s. 985.038.

188 Section 4. Subsection (1) of section 322.245, Florida
189 Statutes, is amended, and subsection (6) is added to that
190 section, to read:

191 322.245 Suspension of license upon failure of person
192 charged with specified offense under chapter 316, chapter 320,
193 or this chapter to comply with directives ordered by traffic
194 court or upon failure to pay child support in non-IV-D cases as
195 provided in chapter 61 or failure to pay any financial
196 obligation in any other criminal case.—

197 (1) If a person, other than a child as defined in s.
198 985.03, including a child found to be dependent as defined in s.
199 39.01(14), or a young adult eligible for continued care pursuant
200 to s. 39.6251, charged with a violation of any of the criminal
201 offenses enumerated in s. 318.17 or with the commission of any
202 offense constituting a misdemeanor under chapter 320 or this
203 chapter fails to comply with all of the directives of the court

32-00406-22

2022428__

204 within the time allotted by the court, the clerk of the court
205 must provide the person, either electronically or by mail sent
206 to the address specified on the uniform traffic citation, a
207 notice of such failure, notifying him or her that, if he or she
208 does not comply with the directives of the court within 30 days
209 after the date of the notice and pay a delinquency fee of up to
210 \$25 to the clerk, from which the clerk shall remit \$10 to the
211 Department of Revenue for deposit into the General Revenue Fund,
212 his or her driver license will be suspended. The notice must be
213 sent no later than 5 days after such failure. The delinquency
214 fee may be retained by the office of the clerk to defray the
215 operating costs of the office.

216 (6) A child as defined in s. 985.03, including a child
217 found to be dependent as defined in s. 39.01(14), or a young
218 adult eligible for continued care pursuant to s. 39.6251 may not
219 be charged any of the fees in this section. Any such child as
220 defined in s. 985.03, including a child found to be dependent as
221 defined in s. 39.01(14), or a young adult eligible for continued
222 care pursuant to s. 39.6251 who has had his or her driver
223 license suspended solely for nonpayment of fees under this
224 section shall have his or her driver license reinstated pursuant
225 to s. 985.038.

226 Section 5. Subsection (2) of section 775.083, Florida
227 Statutes, is amended to read:

228 775.083 Fines.—

229 (2) In addition to the fines set forth in subsection (1),
230 court costs shall be assessed and collected in each instance a
231 defendant, other than a child as defined in s. 985.03, including
232 a child found to be dependent as defined in s. 39.01(14), or a

32-00406-22

2022428__

233 young adult eligible for continued care pursuant to s. 39.6251,
234 pleads nolo contendere to, or is convicted of, ~~or adjudicated~~
235 ~~delinquent for,~~ a felony, a misdemeanor, or a criminal traffic
236 offense under state law, or a violation of any municipal or
237 county ordinance if the violation constitutes a misdemeanor
238 under state law. The court costs imposed by this section shall
239 be \$50 for a felony and \$20 for any other offense and shall be
240 deposited by the clerk of the court into an appropriate county
241 account for disbursement for the purposes provided in this
242 subsection. A county shall account for the funds separately from
243 other county funds as crime prevention funds. The county, in
244 consultation with the sheriff, must expend such funds for crime
245 prevention programs in the county.

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

248 938.01 Additional Court Cost Clearing Trust Fund.—

249 (1) All courts created by Art. V of the State Constitution
250 shall, in addition to any fine or other penalty, require every
251 person, other than a child as defined in s. 985.03, including a
252 child found to be dependent as defined in s. 39.01(14), or a
253 young adult eligible for continued care pursuant to s. 39.6251,
254 convicted for violation of a state penal or criminal statute or
255 convicted for violation of a municipal or county ordinance to
256 pay \$3 as a court cost. Any person, other than a child as
257 defined in s. 985.03, including a child found to be dependent as
258 defined in s. 39.01(14), or a young adult eligible for continued
259 care pursuant to s. 39.6251, whose adjudication is withheld
260 pursuant to ~~the provisions of~~ s. 318.14(9) or (10) shall also be
261 liable for payment of such cost. In addition, \$3 from every bond

32-00406-22

2022428__

262 estreature or forfeited bail bond related to such penal statutes
263 or penal ordinances shall be remitted to the Department of
264 Revenue as described in this subsection. However, no such
265 assessment may be made against any person convicted for
266 violation of any state statute, municipal ordinance, or county
267 ordinance relating to the parking of vehicles.

268 (a) All costs collected by the courts pursuant to this
269 subsection shall be remitted to the Department of Revenue in
270 accordance with administrative rules adopted by the executive
271 director of the Department of Revenue for deposit in the
272 Additional Court Cost Clearing Trust Fund. These funds and the
273 funds deposited in the Additional Court Cost Clearing Trust Fund
274 pursuant to s. 318.21(2)(c) shall be distributed as follows:

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

277 2. Six and three-tenths percent to the Department of Law
278 Enforcement Operating Trust Fund for the Criminal Justice Grant
279 Program.

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

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

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

288 938.03 Crimes Compensation Trust Fund.—

289 (1) Any person, other than a child as defined in s. 985.03,
290 including a child found to be dependent as defined in s.

32-00406-22

2022428__

291 39.01(14), or a young adult eligible for continued care pursuant
292 to s. 39.6251, pleading guilty or nolo contendere to, or being
293 convicted of ~~or adjudicated delinquent for~~, any felony,
294 misdemeanor, ~~delinquent act~~, or criminal traffic offense under
295 the laws of this state or the violation of any municipal or
296 county ordinance which adopts by reference any misdemeanor under
297 state law, shall pay as an additional cost in the case, in
298 addition and before ~~prior to~~ any other cost required to be
299 imposed by law, the sum of \$50. Any person, other than a child
300 as defined in s. 985.03, including a child found to be dependent
301 as defined in s. 39.01(14), or a young adult eligible for
302 continued care pursuant to s. 39.6251, whose adjudication is
303 withheld shall also be assessed such cost.

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

306 938.05 Additional court costs for felonies, misdemeanors,
307 and criminal traffic offenses.—

308 (1) Any person, other than a child as defined in s. 985.03,
309 including a child found to be dependent as defined in s.
310 39.01(14), or a young adult eligible for continued care pursuant
311 to s. 39.6251, pleading nolo contendere to a misdemeanor or
312 criminal traffic offense under s. 318.14(10)(a) or pleading
313 guilty or nolo contendere to, or being found guilty of, any
314 felony, misdemeanor, or criminal traffic offense under the laws
315 of this state or the violation of any municipal or county
316 ordinance which adopts by reference any misdemeanor under state
317 law, shall pay as a cost in the case, in addition to any other
318 cost required to be imposed by law, a sum in accordance with the
319 following schedule:

32-00406-22

2022428__

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

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

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

329 Section 9. Section 938.055, Florida Statutes, is amended to
330 read:

331 938.055 Operating Trust Fund of the Department of Law
332 Enforcement.—Notwithstanding any other law, the court may assess
333 a defendant, other than a child as defined in s. 985.03,
334 including a child found to be dependent as defined in s.
335 39.01(14), or a young adult eligible for continued care pursuant
336 to s. 39.6251, who pleads guilty or nolo contendere to, or is
337 convicted of, a violation of ~~any provision of~~ chapters 775-896,
338 without regard to whether adjudication was withheld, in addition
339 to any fine and other penalty provided or authorized by law, an
340 amount of \$100, to be paid to the clerk of the court, who shall
341 forward it to the Department of Revenue for deposit in the
342 Operating Trust Fund of the Department of Law Enforcement to be
343 used by the statewide criminal analysis laboratory system for
344 the purposes specified in s. 943.361. This amount shall be
345 assessed if the services of a local county-operated crime
346 laboratory enumerated in s. 943.35(1) are used in connection
347 with the investigation or prosecution of a violation of ~~any~~
348 ~~provision of~~ chapters 775-896.

32-00406-22

2022428__

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

351 938.06 Cost for crime stoppers programs.—

352 (1) In addition to any fine prescribed by law, when a
353 person, other than a child as defined in s. 985.03, including a
354 child found to be dependent as defined in s. 39.01(14), or a
355 young adult eligible for continued care pursuant to s. 39.6251,
356 is convicted of any criminal offense, the county or circuit
357 court shall assess a court cost of \$20.

358 Section 11. Section 938.08, Florida Statutes, is amended to
359 read:

360 938.08 Additional cost to fund programs in domestic
361 violence.—In addition to any sanction imposed on a person, other
362 than a child as defined in s. 985.03, including a child found to
363 be dependent as defined in s. 39.01(14), or a young adult
364 eligible for continued care pursuant to s. 39.6251, for a
365 violation of s. 784.011, s. 784.021, s. 784.03, s. 784.041, s.
366 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s.
367 784.082, s. 784.083, s. 784.085, s. 794.011, or for any offense
368 of domestic violence described in s. 741.28, the court shall
369 impose a surcharge of \$201. Payment of the surcharge shall be a
370 condition of probation, community control, or any other court-
371 ordered supervision. The sum of \$85 of the surcharge shall be
372 deposited into the Domestic Violence Trust Fund established in
373 s. 741.01. The clerk of the court shall retain \$1 of each
374 surcharge that the clerk of the court collects as a service
375 charge of the clerk's office. The remainder of the surcharge
376 shall be provided to the governing board of the county and must
377 be used only to defray the costs of incarcerating persons

32-00406-22

2022428__

378 sentenced under s. 741.283 and provide additional training to
379 law enforcement personnel in combating domestic violence.

380 Section 12. Section 938.085, Florida Statutes, is amended
381 to read:

382 938.085 Additional cost to fund rape crisis centers.—In
383 addition to any sanction imposed when a person, other than a
384 child as defined in s. 985.03, including a child found to be
385 dependent as defined in s. 39.01(14), or a young adult eligible
386 for continued care pursuant to s. 39.6251, pleads guilty or nolo
387 contendere to, or is found guilty of, regardless of
388 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
389 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
390 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
391 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
392 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
393 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
394 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
395 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
396 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
397 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
398 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
399 \$151. Payment of the surcharge shall be a condition of
400 probation, community control, or any other court-ordered
401 supervision. The sum of \$150 of the surcharge shall be deposited
402 into the Rape Crisis Program Trust Fund established within the
403 Department of Health by chapter 2003-140, Laws of Florida. The
404 clerk of the court shall retain \$1 of each surcharge that the
405 clerk of the court collects as a service charge of the clerk's
406 office.

32-00406-22

2022428__

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

409 938.10 Additional court cost imposed in cases of certain
410 crimes.—

411 (1) If a person, other than a child as defined in s.
412 985.03, including a child found to be dependent as defined in s.
413 39.01(14), or a young adult eligible for continued care pursuant
414 to s. 39.6251, pleads guilty or nolo contendere to, or is found
415 guilty of, regardless of adjudication, any offense against a
416 minor in violation of s. 784.085, chapter 787, chapter 794,
417 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
418 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
419 s. 893.147(3), or s. 985.701, or any offense in violation of s.
420 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
421 court shall impose a court cost of \$151 against the offender in
422 addition to any other cost or penalty required by law.

423 Section 14. Paragraph (a) of subsection (1) of section
424 938.13, Florida Statutes, is amended to read:

425 938.13 Misdemeanor convictions involving drugs or alcohol.—

426 (1) (a) When a any person, other than a child as defined in
427 s. 985.03, including a child found to be dependent as defined in
428 s. 39.01(14), or a young adult eligible for continued care
429 pursuant to s. 39.6251 ~~on or after October 1, 1988,~~ is found
430 guilty of any misdemeanor under the laws of this state in which
431 the unlawful use of drugs or alcohol is involved, there shall be
432 imposed an additional cost in the case, in addition to any other
433 cost required to be imposed by law, in the sum of \$15. Under no
434 condition shall a political subdivision be held liable for the
435 payment of such sum.

32-00406-22

2022428__

436 Section 15. Section 938.15, Florida Statutes, is amended to
437 read:

438 938.15 Criminal justice education for local government.—In
439 addition to the costs provided for in s. 938.01, municipalities
440 and counties may assess a person, other than a child as defined
441 in s. 985.03, including a child found to be dependent as defined
442 in s. 39.01(14), or a young adult eligible for continued care
443 pursuant to s. 39.6251, an additional \$2 for expenditures for
444 criminal justice education degree programs and training courses,
445 including basic recruit training, for their respective officers
446 and employing agency support personnel, provided such education
447 degree programs and training courses are approved by the
448 employing agency administrator, on a form provided by the
449 Criminal Justice Standards and Training Commission, for local
450 funding.

451 (1) Workshops, meetings, conferences, and conventions
452 shall, on a form approved by the Criminal Justice Standards and
453 Training Commission for use by the employing agency, be
454 individually approved by the employing agency administrator
455 before ~~prior to~~ attendance. The form shall include, but not be
456 limited to, a demonstration by the employing agency of the
457 purpose of the workshop, meeting, conference, or convention; the
458 direct relationship of the training to the officer's job; the
459 direct benefits the officer and agency will receive; and all
460 anticipated costs.

461 (2) The Criminal Justice Standards and Training Commission
462 may inspect and copy the documentation of independent audits
463 conducted of the municipalities and counties which make such
464 assessments to ensure that such assessments have been made and

32-00406-22

2022428__

465 that expenditures are in conformance with the requirements of
466 this subsection and with other applicable procedures.

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

469 938.19 Teen courts.—

470 (1) Notwithstanding s. 318.121, in each county in which a
471 teen court has been created, the board of county commissioners
472 may adopt a ~~mandatory~~ court cost to be assessed in specific
473 cases, other than a child as defined in s. 985.03, including a
474 child found to be dependent as defined in s. 39.01(14), or a
475 young adult eligible for continued care pursuant to s. 39.6251,
476 by incorporating by reference ~~the provisions of~~ this section in
477 a county ordinance. Assessments collected by the clerk of the
478 circuit court under this section shall be deposited into an
479 account specifically for the operation and administration of the
480 teen court.

481 (2) A sum of up to \$3 shall be assessed as a court cost in
482 the circuit and county court in the county against each person,
483 other than a child as defined in s. 985.03, including a child
484 found to be dependent as defined in s. 39.01(14), or a young
485 adult eligible for continued care pursuant to s. 39.6251, who
486 pleads guilty or nolo contendere to, or is convicted of,
487 regardless of adjudication, ~~or adjudicated delinquent for a~~
488 violation of a criminal law, ~~a delinquent act,~~ or a municipal or
489 county ordinance, or who pays a fine or civil penalty for any
490 violation of chapter 316. Any person whose adjudication is
491 withheld under s. 318.14(9) or (10) shall also be assessed the
492 cost.

493 Section 17. Subsection (1) of section 938.23, Florida

32-00406-22

2022428__

494 Statutes, is amended to read:

495 938.23 Assistance grants for alcohol and other drug abuse
496 programs.—

497 (1) In addition to any fine imposed on a person, other than
498 a child as defined in s. 985.03, including a child found to be
499 dependent as defined in s. 39.01(14), or a young adult eligible
500 for continued care pursuant to s. 39.6251, by law for any
501 criminal offense under chapter 893 or for any criminal violation
502 of s. 316.193, s. 856.011, s. 856.015, or chapter 562, chapter
503 567, or chapter 568, the court shall be authorized, pursuant to
504 the requirements of s. 938.21, to impose an additional
505 assessment in an amount up to the amount of the fine authorized
506 for the offense. Such additional assessments shall be deposited
507 for the purpose of providing assistance grants to drug abuse
508 treatment or alcohol treatment or education programs as provided
509 in s. 893.165.

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

512 938.27 Judgment for costs of prosecution and
513 investigation.—

514 (1) In all criminal and violation-of-probation or
515 community-control cases, convicted persons are liable for
516 payment of the costs of prosecution, including investigative
517 costs incurred by law enforcement agencies, by fire departments
518 for arson investigations, and by investigations of the
519 Department of Financial Services or the Office of Financial
520 Regulation of the Financial Services Commission, if requested by
521 such agencies. The court shall include these costs in every
522 judgment rendered against the convicted person, other than a

32-00406-22

2022428__

523 child as defined in s. 985.03, including a child found to be
524 dependent as defined in s. 39.01(14), or a young adult eligible
525 for continued care pursuant to s. 39.6251. For purposes of this
526 section, the term "convicted" means a determination of guilt, or
527 of violation of probation or community control, which is a
528 result of a plea, trial, or violation proceeding, regardless of
529 whether adjudication is withheld.

530 (3) If a defendant, other than a child as defined in s.
531 985.03, including a child found to be dependent as defined in s.
532 39.01(14), or a young adult eligible for continued care pursuant
533 to s. 39.6251, is placed on probation or community control,
534 payment of any costs under this section shall be a condition of
535 such probation or community control. The court may revoke
536 probation or community control if the defendant fails to pay
537 these costs.

538 Section 19. Section 938.29, Florida Statutes, is amended to
539 read:

540 938.29 Legal assistance; lien for payment of attorney
541 attorney's fees or costs.-

542 (1) (a) A defendant, other than a child as defined in s.
543 985.03, including a child found to be dependent as defined in s.
544 39.01(14), or a young adult eligible for continued care pursuant
545 to s. 39.6251, who is convicted of a criminal act or a violation
546 of probation or community control and who has received the
547 assistance of the public defender's office, a special assistant
548 public defender, the office of criminal conflict and civil
549 regional counsel, or a private conflict attorney, or who has
550 received due process services after being found indigent for
551 costs under s. 27.52, shall be liable for payment of the

32-00406-22

2022428__

552 assessed application fee under s. 27.52 and attorney ~~attorney's~~
553 fees and costs. Attorney ~~Attorney's~~ fees and costs shall be set
554 in all cases at no less than \$50 per case when a misdemeanor or
555 criminal traffic offense is charged and no less than \$100 per
556 case when a felony offense is charged, including a proceeding in
557 which the underlying offense is a violation of probation or
558 community control. The court may set a higher amount upon a
559 showing of sufficient proof of higher fees or costs incurred.
560 For purposes of this section, "convicted" means a determination
561 of guilt, or of violation of probation or community control,
562 which is a result of a plea, trial, or violation proceeding,
563 regardless of whether adjudication is withheld. The court shall
564 include these fees and costs in every judgment rendered against
565 the convicted person.

566 (b) Upon entering a judgment of conviction, the defendant
567 shall be liable to pay the attorney ~~attorney's~~ fees and costs in
568 full after the judgment of conviction becomes final. The court
569 shall impose the attorney ~~attorney's~~ fees and costs
570 notwithstanding the defendant's present ability to pay.

571 (c) The defendant shall pay the application fee under s.
572 27.52(1)(b) and attorney ~~attorney's~~ fees and costs in full or in
573 installments, at the time or times specified. The court may
574 order payment of the assessed application fee and attorney
575 ~~attorney's~~ fees and costs as a condition of probation, of
576 suspension of sentence, or of withholding the imposition of
577 sentence. All funds collected under this section shall be
578 distributed as provided in s. 27.562.

579 (2)(a) There is created in the name of the state a lien,
580 enforceable as hereinafter provided, upon all the property, both

32-00406-22

2022428__

581 real and personal, of any person who:

582 ~~1.~~ has received any assistance from any public defender of
583 the state, from any special assistant public defender, from any
584 office of criminal conflict and civil regional counsel, or from
585 any private conflict attorney, or who has received due process
586 services after being found indigent for costs; ~~or~~

587 ~~2. Is a parent of an accused minor or an accused adult tax-~~
588 ~~dependent person who is being, or has been, represented by any~~
589 ~~public defender of the state, by any special assistant public~~
590 ~~defender, by any office of criminal conflict and civil regional~~
591 ~~counsel, or by a private conflict attorney, or who is receiving~~
592 ~~or has received due process services after being found indigent~~
593 ~~for costs.~~

594
595 Such lien constitutes a claim against the defendant-recipient ~~or~~
596 ~~parent~~ and his or her estate, enforceable according to law.

597 (b) A judgment showing the name and residence of the
598 defendant-recipient ~~or parent~~ shall be recorded in the public
599 record, without cost, by the clerk of the circuit court in the
600 county where the defendant-recipient ~~or parent~~ resides and in
601 each county in which such defendant-recipient ~~or parent~~ then
602 owns or later acquires any property. Such judgments shall be
603 enforced on behalf of the state by the clerk of the circuit
604 court of the county in which assistance was rendered. ~~The lien~~
605 ~~against a parent shall remain in force notwithstanding the child~~
606 ~~becoming emancipated or the child reaching the age of majority.~~

607 (3) The clerk of the circuit court within the county
608 wherein the defendant-recipient was tried or received the
609 services of a public defender, special assistant public

32-00406-22

2022428__

610 defender, office of criminal conflict and civil regional
611 counsel, or appointed private legal counsel, or received due
612 process services after being found indigent for costs, shall
613 enforce, satisfy, compromise, settle, subordinate, release, or
614 otherwise dispose of any debt or lien imposed under this
615 section. A defendant-recipient ~~or parent~~, liable to pay attorney
616 ~~attorney's~~ fees or costs and who is not in willful default in
617 the payment thereof, may, at any time, petition the court which
618 entered the order for deferral of the payment of attorney
619 ~~attorney's~~ fees or costs or of any unpaid portion thereof.

620 (4) No lien thus created shall be foreclosed upon the
621 homestead of such defendant-recipient ~~or parent~~, nor shall any
622 defendant-recipient ~~or parent~~ liable for payment of attorney
623 ~~attorney's~~ fees or costs be denied any of the protections
624 afforded any other civil judgment debtor.

625 (5) The court having jurisdiction of the defendant-
626 recipient shall, at such stage of the proceedings as the court
627 may deem appropriate, determine the value of the services of the
628 public defender, special assistant public defender, office of
629 criminal conflict and civil regional counsel, or appointed
630 private legal counsel and costs, at which time the defendant-
631 recipient ~~or parent~~, after adequate notice thereof, shall have
632 opportunity to be heard and offer objection to the
633 determination, and to be represented by counsel, with due
634 opportunity to exercise and be accorded the procedures and
635 rights provided in the laws and court rules pertaining to civil
636 cases at law.

637 (6) A defendant who is a child as defined in s. 985.03,
638 including a child found to be dependent as defined in s.

32-00406-22

2022428__

639 39.01(14), or the child's parent or legal guardian, or a
640 defendant who is a young adult eligible for continued care
641 pursuant to s. 39.6251 may not be required to reimburse the
642 costs of or pay the fees for the services of a public defender,
643 special assistant public defender, office of criminal conflict
644 and civil regional counsel, or appointed private legal counsel,
645 or for received due process services. A defendant who is a child
646 as defined in s. 985.03, including a child found to be dependent
647 as defined in s. 39.01(14), or the child's parent or legal
648 guardian, or a defendant who is a young adult eligible for
649 continued care pursuant to s. 39.6251 may not be required to pay
650 the application fee pursuant to s. 27.52.

651 Section 20. Section 938.35, Florida Statutes, is amended to
652 read:

653 938.35 Collection of court-related financial obligations.-

654 (1) The board of county commissioners or the governing body
655 of a municipality may pursue the collection of any fees, service
656 charges, fines, or costs to which it is entitled which remain
657 unpaid for 90 days or more, or refer the account to a private
658 attorney who is a member in good standing of The Florida Bar or
659 collection agent who is registered and in good standing pursuant
660 to chapter 559. In pursuing the collection of such unpaid
661 financial obligations through a private attorney or collection
662 agent, the board of county commissioners or the governing body
663 of a municipality must determine this is cost-effective and
664 follow applicable procurement practices. The collection fee,
665 including any reasonable attorney ~~attorney's~~ fee, paid to any
666 attorney or collection agent retained by the board of county
667 commissioners or the governing body of a municipality may be

32-00406-22

2022428__

668 added to the balance owed, in an amount not to exceed 40 percent
669 of the amount owed at the time the account is referred to the
670 attorney or agents for collection.

671 (2) A child as defined in s. 985.03, including a child
672 found to be dependent as defined in s. 39.01(14), or the child's
673 parent or legal guardian, or a defendant who is a young adult
674 eligible for continued care pursuant to s. 39.6251 may not be
675 required to pay any fee imposed under subsection (1).

676 Section 21. Paragraphs (a) and (b) of subsection (1) and
677 subsection (2) of section 939.185, Florida Statutes, are amended
678 to read:

679 939.185 Assessment of additional court costs and
680 surcharges.—

681 (1) (a) The board of county commissioners may adopt by
682 ordinance an additional court cost, not to exceed \$65, to be
683 imposed by the court when a person, other than a child as
684 defined in s. 985.03, including a child found to be dependent as
685 defined in s. 39.01(14), or a young adult eligible for continued
686 care pursuant to s. 39.6251, pleads guilty or nolo contendere
687 to, or is found guilty of, ~~or adjudicated delinquent for,~~ any
688 felony, misdemeanor, ~~delinquent act,~~ or criminal traffic offense
689 under the laws of this state. Such additional assessment shall
690 be accounted for separately by the county in which the offense
691 occurred and be used only in the county imposing this cost, to
692 be allocated as follows:

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

32-00406-22

2022428__

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

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

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

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

709
710 Each county receiving funds under this section shall report the
711 amount of funds collected pursuant to this section and an
712 itemized list of expenditures for all authorized programs and
713 activities. The report shall be submitted in a format developed
714 by the Supreme Court to the Governor, the Chief Financial
715 Officer, the President of the Senate, and the Speaker of the
716 House of Representatives on a quarterly basis beginning with the
717 quarter ending September 30, 2004. Quarterly reports shall be
718 submitted no later than 30 days after the end of the quarter.
719 Any unspent funds at the close of the county fiscal year
720 allocated under subparagraphs 2., 3., and 4., shall be
721 transferred for use pursuant to subparagraph 1.

722 (b) In addition to the court costs imposed under paragraph
723 (a) and any other cost, fine, or penalty imposed by law, any
724 unit of local government which is consolidated as provided by s.
725 9, Art. VIII of the State Constitution of 1885, as preserved by

32-00406-22

2022428__

726 s. 6(e), Art. VIII of the State Constitution of 1968, and which
727 is granted the authority in the State Constitution to exercise
728 all the powers of a municipal corporation, and any unit of local
729 government operating under a home rule charter adopted pursuant
730 to ss. 10, 11, and 24, Art. VIII of the State Constitution of
731 1885, as preserved by s. 6(e), Art. VIII of the State
732 Constitution of 1968, which is granted the authority in the
733 State Constitution to exercise all the powers conferred now or
734 hereafter by general law upon municipalities, may impose by
735 ordinance a surcharge in the amount of \$85 to be imposed by the
736 court when a person, other than a child as defined in s. 985.03,
737 including a child found to be dependent as defined in s.
738 39.01(14), or a young adult eligible for continued care pursuant
739 to s. 39.6251, pleads guilty or nolo contendere to, or is found
740 guilty of, ~~or adjudicated delinquent for,~~ any felony,
741 misdemeanor, ~~delinquent act,~~ or criminal traffic offense under
742 the laws of this state. Revenue from the surcharge shall be
743 transferred to such unit of local government for the purpose of
744 replacing fine revenue deposited into the clerk's fine and
745 forfeiture fund under s. 142.01. Proceeds from the imposition of
746 the surcharge authorized in this paragraph may ~~shall~~ not be used
747 for the purpose of securing payment of the principal and
748 interest on bonds.

749 (2) The court shall order a person, other than a child as
750 defined in s. 985.03, including a child found to be dependent as
751 defined in s. 39.01(14), or a young adult eligible for continued
752 care pursuant to s. 39.6251, to pay the additional court cost.
753 If the person is determined to be indigent, the clerk shall
754 defer payment of this cost.

32-00406-22

2022428__

755 Section 22. Paragraph (b) of subsection (1) of section
756 943.0515, Florida Statutes, is amended to read:

757 943.0515 Retention of criminal history records of minors.-

758 (1)

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

766 2. A minor described in subparagraph 1. may apply to the
767 department to have his or her criminal history record expunged
768 before the minor reaches 21 years of age. To be eligible for
769 expunction under this subparagraph, the minor must be 18 years
770 of age or older and less than 21 years of age and have not been
771 charged by the state attorney with or found to have committed
772 any criminal offense within the 5-year period before the
773 application date. The only offenses eligible to be expunged
774 under this subparagraph are those that the minor committed
775 before the minor reached 18 years of age. A criminal history
776 record expunged under this subparagraph requires the approval of
777 the state attorney for each circuit in which an offense
778 specified in the criminal history record occurred. A minor
779 seeking to expunge a criminal history record under this
780 subparagraph shall apply to the department for expunction in the
781 manner prescribed by rule. An application for expunction under
782 this subparagraph shall include:

783 ~~a. A processing fee of \$75 to the department for placement~~

32-00406-22

2022428__

784 ~~in the Department of Law Enforcement Operating Trust Fund,~~
785 ~~unless such fee is waived by the executive director.~~

786 ~~a.b.~~ A full set of fingerprints of the applicant taken by a
787 law enforcement agency for purposes of identity verification.

788 ~~b.e.~~ A sworn, written statement from the minor seeking
789 relief that he or she is no longer under court supervision
790 applicable to the disposition of the arrest or alleged criminal
791 activity to which the application to expunge pertains and that
792 he or she has not been charged with or found to have committed a
793 criminal offense, in any jurisdiction of the state or within the
794 United States, within the 5-year period before the application
795 date. A person who knowingly provides false information on the
796 sworn statement required by this sub-subparagraph commits a
797 misdemeanor of the first degree, punishable as provided in s.
798 775.082 or s. 775.083.

799 3. A minor who applies, but who is not approved for early
800 expunction in accordance with subparagraph 2., shall have his or
801 her criminal history record expunged at age 21 if eligible under
802 subparagraph 1.

803 Section 23. Subsection (3) is added to section 944.485,
804 Florida Statutes, to read:

805 944.485 Subsistence fees with respect to certain prisoners;
806 time of adoption; requirements.-

807 (3) This section does not apply to a child as defined in s.
808 985.03, including a child found to be dependent as defined in s.
809 39.01(14), or the child's parent or legal guardian, or a
810 defendant who is a young adult eligible for continued care
811 pursuant to s. 39.6251.

812 Section 24. Subsections (1) and (2) of section 948.09,

32-00406-22

2022428__

813 Florida Statutes, are amended, and subsection (7) is added to
814 that section, to read:

815 948.09 Payment for cost of supervision and other monetary
816 obligations.—

817 (1) (a) 1. A ~~Any~~ person, other than a child as defined in s.
818 985.03, including a child found to be dependent as defined in s.
819 39.01(14), or a young adult eligible for continued care pursuant
820 to s. 39.6251, ordered by the court, the Department of
821 Corrections, or the Florida Commission on Offender Review to be
822 placed under supervision under this chapter, chapter 944,
823 chapter 945, chapter 947, or chapter 958, or in a pretrial
824 intervention program, must, as a condition of any placement, pay
825 the department a total sum of money equal to the total month or
826 portion of a month of supervision times the court-ordered
827 amount, but not to exceed the actual per diem cost of the
828 supervision. The department shall adopt rules by which an
829 offender who pays in full and in advance of regular termination
830 of supervision may receive a reduction in the amount due. The
831 rules shall incorporate provisions by which the offender's
832 ability to pay is linked to an established written payment plan.
833 Funds collected from felony offenders may be used to offset
834 costs of the Department of Corrections associated with community
835 supervision programs, subject to appropriation by the
836 Legislature.

837 2. In addition to any other contribution or surcharge
838 imposed by this section, each felony offender assessed under
839 this paragraph shall pay a \$2-per-month surcharge to the
840 department. The surcharge shall be deemed to be paid only after
841 the full amount of any monthly payment required by the

32-00406-22

2022428__

842 established written payment plan has been collected by the
843 department. These funds shall be used by the department to pay
844 for correctional probation officers' training and equipment,
845 including radios, and firearms training, firearms, and attendant
846 equipment necessary to train and equip officers who choose to
847 carry a concealed firearm while on duty. This subparagraph does
848 not limit the department's authority to determine who shall be
849 authorized to carry a concealed firearm while on duty, or limit
850 the right of a correctional probation officer to carry a
851 personal firearm approved by the department.

852 (b) A ~~Any~~ person, other than a child as defined in s.
853 985.03, including a child found to be dependent as defined in s.
854 39.01(14), or a young adult eligible for continued care pursuant
855 to s. 39.6251, placed on misdemeanor probation by a county court
856 must contribute not less than \$40 per month, as decided by the
857 sentencing court, to the court-approved public or private entity
858 providing misdemeanor supervision.

859 (2) A ~~Any~~ person, other than a child as defined in s.
860 985.03, including a child found to be dependent as defined in s.
861 39.01(14), or a young adult eligible for continued care pursuant
862 to s. 39.6251, being electronically monitored by the department
863 as a result of being placed on supervision shall pay the
864 department for electronic monitoring services at a rate that may
865 not exceed the full cost of the monitoring service in addition
866 to the cost of supervision as directed by the sentencing court.
867 The funds collected under this subsection shall be deposited in
868 the General Revenue Fund. The department may exempt a person
869 from paying all or any part of the costs of the electronic
870 monitoring service if it finds that any of the factors listed in

32-00406-22

2022428__

871 subsection (3) exist.

872 (7) A child as defined in s. 985.03, including a child
873 found to be dependent as defined in s. 39.01(14), or the child's
874 parent or legal guardian, or a young adult eligible for
875 continued care pursuant to s. 39.6251 may not be required to
876 reimburse the costs of or pay the fees for the supervision and
877 monitoring services provided in this section.

878 Section 25. Subsection (5) of section 960.28, Florida
879 Statutes, is amended to read:

880 960.28 Payment for victims' initial forensic physical
881 examinations.-

882 (5) A defendant, other than a child as defined in s.
883 985.03, including a child found to be dependent as defined in s.
884 39.01(14), or a young adult eligible for continued care pursuant
885 to s. 39.6251, ~~or juvenile offender~~ who pleads guilty or nolo
886 contendere to, or is convicted of ~~or adjudicated delinquent for,~~
887 a violation of chapter 794 or chapter 800 shall be ordered by
888 the court to make restitution to the Crimes Compensation Trust
889 Fund in an amount equal to the compensation paid to the medical
890 provider by the Crime Victims' Services Office for the cost of
891 the initial forensic physical examination. The order may be
892 enforced by the department in the same manner as a judgment in a
893 civil action.

894 Section 26. Subsection (2) of section 985.032, Florida
895 Statutes, is amended to read:

896 985.032 Legal representation for delinquency cases.-

897 (2) A juvenile who has been adjudicated delinquent or has
898 had adjudication of delinquency withheld may not ~~shall~~ be
899 assessed the costs of prosecution or probation or diversion

32-00406-22

2022428__

900 ~~services as provided in s. 938.27.~~

901 Section 27. Section 985.033, Florida Statutes, is amended
902 to read:

903 985.033 Right to counsel.—

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

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

923 (3) If the parents or legal guardian of an indigent child
924 are not indigent but refuse to employ counsel, the court shall
925 appoint counsel pursuant to s. 27.52 to represent the child at
926 the detention hearing and until counsel is provided. ~~Costs of~~
927 ~~representation are hereby imposed as provided by ss. 27.52 and~~
928 ~~938.29. Thereafter, the court shall not appoint counsel for an~~

32-00406-22

2022428__

929 ~~indigent child with nonindigent parents or legal guardian but~~
930 ~~shall order the parents or legal guardian to obtain private~~
931 ~~counsel. A parent or legal guardian of an indigent child who has~~
932 ~~been ordered to obtain private counsel for the child and who~~
933 ~~willfully fails to follow the court order shall be punished by~~
934 ~~the court in civil contempt proceedings.~~

935 (4) If the court appoints counsel under s. 27.52, the child
936 or the child's parent or legal guardian may not be required to
937 pay the fees, costs, and expenses of the appointed counsel. The
938 child or the child's parent or legal guardian may not be
939 required to pay the application fee for an indigency
940 determination under s. 27.52(1)(b) ~~An indigent child with~~
941 ~~nonindigent parents or legal guardian may have counsel appointed~~
942 ~~pursuant to s. 27.52 if the parents or legal guardian have~~
943 ~~willfully refused to obey the court order to obtain counsel for~~
944 ~~the child and have been punished by civil contempt and then~~
945 ~~still have willfully refused to obey the court order. Costs of~~
946 ~~representation are hereby imposed as provided by ss. 27.52 and~~
947 ~~938.29.~~

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

955 Section 28. Section 985.039, Florida Statutes, is amended
956 to read:

957 985.039 Cost of supervision; cost of care; charges

32-00406-22

2022428__

958 prohibited.-A child as defined in s. 985.03, including a child
959 found to be dependent as defined in s. 39.01(14), or the child's
960 parent or legal guardian, or a young adult eligible for
961 continued care pursuant to s. 39.6251 may not be ordered to pay
962 fees under this chapter, including probation supervision fees,
963 or court administration fees, including the cost of court-
964 appointed attorneys or public defenders, the cost of
965 prosecution, or other administrative costs of the court.

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

967 ~~(a) When any child is placed into supervised release~~
968 ~~detention, probation, or other supervision status with the~~
969 ~~department, or is committed to the minimum-risk nonresidential~~
970 ~~restrictiveness level, the court shall order the parent of such~~
971 ~~child to pay to the department a fee for the cost of the~~
972 ~~supervision of such child in the amount of \$1 per day for each~~
973 ~~day that the child is in such status.~~

974 ~~(b) When any child is placed into secure detention or~~
975 ~~placed on committed status and the temporary legal custody of~~
976 ~~such child is placed with the department, the court shall order~~
977 ~~the parent of such child to pay to the department a fee for the~~
978 ~~cost of the care of such child in the amount of \$5 per day for~~
979 ~~each day that the child is in the temporary legal custody of the~~
980 ~~department.~~

981 ~~(2) The parent of any child who has been placed under the~~
982 ~~supervision or care of the department shall provide to the~~
983 ~~department his or her name, address, social security number,~~
984 ~~date of birth, driver license number or identification card~~
985 ~~number, and sufficient financial information so as to assist the~~
986 ~~court in determining the parent's ability to pay any fee~~

32-00406-22

2022428__

987 ~~associated with the cost of the child's supervision or care. If~~
988 ~~the parent refuses to provide the department with the~~
989 ~~information required by this subsection, the court shall order~~
990 ~~the parent to provide such information. The failure of the~~
991 ~~parent to comply with such order of the court constitutes~~
992 ~~contempt of court, and the court may punish the parent~~
993 ~~accordingly.~~

994 ~~(3) At the time of any detention or disposition hearing,~~
995 ~~the court shall receive the information described in subsection~~
996 ~~(2), as well as any other verbal or written information offered~~
997 ~~as to the ability of the parent of a child who is being placed~~
998 ~~under the supervision or care of the department to pay any fee~~
999 ~~imposed pursuant to this section and whether the payment of such~~
1000 ~~fee will create a significant financial hardship. The court may~~
1001 ~~apportion the obligation for the fee to each parent in a manner~~
1002 ~~it deems appropriate; however, the total amount of the daily fee~~
1003 ~~may not exceed the amounts specified in this section. Any~~
1004 ~~finding made by the court as to the ability of the parent to pay~~
1005 ~~such fee, including any finding of indigency or significant~~
1006 ~~financial hardship, shall be in writing and shall contain a~~
1007 ~~detailed description of the facts supporting such finding. If~~
1008 ~~the court makes a finding of indigency and significant financial~~
1009 ~~hardship, the court shall waive the fee or reduce it to an~~
1010 ~~amount deemed appropriate.~~

1011 ~~(4) Notwithstanding subsection (3), the court may reduce or~~
1012 ~~waive the fee as to each parent if the court makes a finding on~~
1013 ~~the record that the parent was the victim of the delinquent act~~
1014 ~~or violation of law for which the child has been placed under~~
1015 ~~the supervision or care of the department and that the parent is~~

32-00406-22

2022428__

1016 ~~cooperating or has cooperated with the investigation of the~~
1017 ~~offense.~~

1018 ~~(5) The court shall order the payment of any fees required~~
1019 ~~in this section as part of the detention or disposition order.~~
1020 ~~Such order must include specific written findings as to what~~
1021 ~~fees are ordered, reduced, or waived. If the court fails to~~
1022 ~~enter an order as required by this section, the parent is deemed~~
1023 ~~to have an obligation to pay to the department a fee in the~~
1024 ~~amount of \$1 per day for each day that the child is under the~~
1025 ~~supervision of the department and \$5 per day for each day that~~
1026 ~~the child remains in the care of the department.~~

1027 ~~(6) Notwithstanding subsection (1), with respect to a child~~
1028 ~~who reaches the age of 18 prior to the detention or disposition~~
1029 ~~hearing, the court may elect to direct an order required by this~~
1030 ~~section to such child, rather than to the child's parent. With~~
1031 ~~regard to a child who reaches 18 while under the supervision or~~
1032 ~~care of the department, the court may, upon proper motion of any~~
1033 ~~party, hold a hearing as to whether any party should be further~~
1034 ~~obligated to pay any fee associated with cost of the supervision~~
1035 ~~or care of such child. If the court does not enter an order~~
1036 ~~under this subsection, it shall be presumed that the court~~
1037 ~~intended for the parent to pay or to continue to pay the fees~~
1038 ~~specified in this section. Any order entered pursuant to this~~
1039 ~~subsection must include specific findings as to what fees are~~
1040 ~~ordered, reduced, or waived as to the child.~~

1041 ~~(7) With respect to a child who has been placed under the~~
1042 ~~supervision or care of the department and whose parent receives~~
1043 ~~public assistance for any portion of such child's care, the~~
1044 ~~department must seek a federal waiver to garnish or otherwise~~

32-00406-22

2022428__

1045 ~~order the payment of a portion of the public assistance relating~~
1046 ~~to such child, in an amount not to exceed the amount of the~~
1047 ~~parent's obligation, in order to offset the costs to the~~
1048 ~~department associated with providing supervision or care of such~~
1049 ~~child.~~

1050 ~~(8) If any order entered pursuant to this section affects~~
1051 ~~the guardianship of an estate, a certified copy of such order~~
1052 ~~shall be delivered to the judge having jurisdiction over the~~
1053 ~~guardianship of the estate.~~

1054 ~~(9) The department may employ a collection agency for the~~
1055 ~~purpose of receiving, collecting, and managing the payment of~~
1056 ~~any fees ordered pursuant to this section that have gone~~
1057 ~~delinquent or unpaid for 90 days or more. The collection agency~~
1058 ~~must be registered and in good standing under chapter 559. The~~
1059 ~~department may pay for the services of the collection agency~~
1060 ~~from available authorized funds or from funds generated by any~~
1061 ~~collections under this subsection. Alternatively, the department~~
1062 ~~may authorize the collection agency to withhold a specified~~
1063 ~~amount of any fee collected as payment for its services.~~

1064 ~~(10) The department or the collection agency shall provide~~
1065 ~~to the payor documentation of the payment of any fee paid~~
1066 ~~pursuant to this section. Except as provided in subsection (9),~~
1067 ~~all payments received by the department or the collection agency~~
1068 ~~pursuant to this section shall be deposited in the department's~~
1069 ~~Grants and Donations Trust Fund.~~

1070 ~~(11) Under no circumstance shall the court or the~~
1071 ~~department extend the child's length of stay in the department's~~
1072 ~~supervision or care solely for the purpose of collecting the~~
1073 ~~fees specified in this section.~~

32-00406-22

2022428__

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

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

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

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

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

Section 29. Paragraph (b) of subsection (2) of section 985.12, Florida Statutes, is amended to read:

985.12 Civil citation or similar prearrest diversion programs.—

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

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

1. The misdemeanor offenses that qualify a juvenile for participation in the program.†
2. The eligibility criteria for the program.†
3. The program's implementation and operation.†
4. The program's requirements, including, but not limited

32-00406-22

2022428__

1103 to, the completion of community service hours, payment of
1104 restitution, if applicable, and intervention services indicated
1105 by a needs assessment of the juvenile, approved by the
1106 department, such as family counseling, urinalysis monitoring,
1107 and substance abuse and mental health treatment services;~~and~~

1108 ~~5. A program fee, if any, to be paid by a juvenile~~
1109 ~~participating in the program. If the program imposes a fee, the~~
1110 ~~clerk of the court of the applicable county must receive a~~
1111 ~~reasonable portion of the fee.~~

1112 Section 30. Subsection (2) of section 985.145, Florida
1113 Statutes, is amended to read:

1114 985.145 Responsibilities of the department during intake;
1115 screenings and assessments.—

1116 (2) Before ~~Prior to~~ requesting that a delinquency petition
1117 be filed or before ~~prior to~~ filing a dependency petition, the
1118 department may request the parent or legal guardian of the child
1119 to attend a course of instruction in parenting skills, training
1120 in conflict resolution, and the practice of nonviolence; to
1121 accept counseling; or to receive other assistance from any
1122 agency in the community which notifies the clerk of the court of
1123 the availability of its services. Where appropriate, the
1124 department shall request both parents or guardians to receive
1125 such parental assistance. The department may, in determining
1126 whether to request that a delinquency petition be filed, take
1127 into consideration the willingness of the parent or legal
1128 guardian to comply with such request. ~~The parent or guardian~~
1129 ~~must provide the department with identifying information,~~
1130 ~~including the parent's or guardian's name, address, date of~~
1131 ~~birth, social security number, and driver license number or~~

32-00406-22

2022428__

1132 ~~identification card number in order to comply with s. 985.039.~~

1133 Section 31. Paragraph (a) of subsection (6) of section
1134 985.155, Florida Statutes, is amended to read:

1135 985.155 Neighborhood restorative justice.—

1136 (6) WRITTEN CONTRACT.—

1137 (a) The board, on behalf of the community, and the
1138 juvenile, the juvenile's parent or guardian, and the victim or
1139 representative of the victim, shall sign a written contract in
1140 which the parties agree to the board's resolution of the matter
1141 and in which the juvenile's parent or guardian agrees to ensure
1142 that the juvenile complies with the contract. ~~The contract may
1143 provide that the parent or guardian shall post a bond payable to
1144 this state to secure the performance of any sanction imposed
1145 upon the juvenile pursuant to subsection (5).~~

1146 Section 32. Subsection (6) of section 985.18, Florida
1147 Statutes, is amended to read:

1148 985.18 Medical, psychiatric, psychological, substance
1149 abuse, and educational examination and treatment.—

1150 (6) A physician must be immediately notified by the person
1151 taking the child into custody or the person having custody if
1152 there are indications of physical injury or illness, or the
1153 child shall be taken to the nearest available hospital for
1154 emergency care. A child may be provided mental health, substance
1155 abuse, or intellectual disability services in emergency
1156 situations pursuant to chapter 393, chapter 394, or chapter 397,
1157 as applicable. Such costs must be paid for by an approved
1158 provider with sufficient state or federal funding or compensated
1159 for by public or private medical insurance. The court may not
1160 ~~After a hearing, the court may~~ order the custodial parent or

32-00406-22

2022428__

1161 parents, guardian, or other custodian, ~~if found able to do so,~~
1162 to reimburse the county or state for the expense involved in
1163 such emergency treatment or care.

1164 Section 33. Section 985.331, Florida Statutes, is amended
1165 to read:

1166 985.331 Court and witness fees.—In any proceeding under
1167 this chapter, court fees may ~~shall~~ not be charged against, nor
1168 witness fees allowed to be charged against, any party to a
1169 delinquency petition or any parent or legal guardian or
1170 custodian or child named in a summons. ~~Other witnesses shall be~~
1171 ~~paid the witness fees fixed by law.~~

1172 Section 34. Section 985.514, Florida Statutes, is repealed.

1173 Section 35. Section 985.038, Florida Statutes, is created
1174 to read:

1175 985.038 Fees and costs assessed before the effective date
1176 of this act.—On and after July 1, 2022:

1177 (1) The balance of any fees or court-ordered costs imposed
1178 against a child as defined in s. 985.03, including a child found
1179 to be dependent as defined in s. 39.01(14), or the child's
1180 parent or legal guardian, or a young adult eligible for
1181 continued care pursuant to s. 39.6251, pursuant to ss. 322.245,
1182 775.083(2), 938.01, 938.03, 938.05, 938.055, 938.06, 938.08,
1183 938.085, 938.10, 938.13, 938.15, 938.19, 938.23, 938.27, 938.29,
1184 938.35, 939.185, 943.0515, 944.485, 948.09, 960.28, 985.032,
1185 985.033, 985.039, 985.12, 985.145, 985.155, 985.18, 985.331, and
1186 985.514, is unenforceable and uncollectable, and, on January 1,
1187 2023, the portion of any judgment imposing those costs is
1188 vacated and discharged.

1189 (2) The balance of any court-ordered costs imposed pursuant

32-00406-22

2022428__

1190 to ss. 27.52, 938.29, and 938.35 relating to the rendering of
1191 legal services to a child as defined in s. 985.03, including a
1192 child found to be dependent as defined in s. 39.01(14), or the
1193 child's parent or legal guardian, or a young adult eligible for
1194 continued care pursuant to s. 39.6251 by an attorney is
1195 unenforceable and uncollectable, and, on January 1, 2023, the
1196 portion of the judgment imposing those costs is vacated and
1197 discharged.

1198 (3) All unsatisfied civil judgments or portions of
1199 judgments based on unpaid costs, fees, reimbursements, or other
1200 financial obligations imposed pursuant to a provision repealed
1201 by this act on a child as defined in s. 985.03, including a
1202 child found to be dependent as defined in s. 39.01(14), or the
1203 child's parent or legal guardian, or a young adult eligible for
1204 continued care pursuant to s. 39.6251 are null and void and, for
1205 all legal purposes, are vacated and discharged. Any procedures
1206 necessary to accomplish the purposes of this section may not
1207 require any affirmative action on the part of any delinquent
1208 child, or the child's parent or legal guardian, or any
1209 delinquent young adult subject to such judgment. Such procedures
1210 shall be designed and implemented so as to accomplish the
1211 vacatur and discharge of all such civil judgments or portions of
1212 such judgments by January 1, 2023.

1213 (4) All warrants issued solely based on the alleged failure
1214 of a child as defined in s. 985.03, including a child found to
1215 be dependent as defined in s. 39.01(14), or the child's parent
1216 or legal guardian, or a young adult eligible for continued care
1217 pursuant to s. 39.6251 to pay or to appear on a court date set
1218 for the sole purpose of payment of costs, fees, reimbursements,

32-00406-22

2022428__

1219 or other financial obligations imposed pursuant to a provision
1220 repealed by this act are null and void. Any procedures necessary
1221 to accomplish the purposes of this section may not require any
1222 affirmative action on the part of a child as defined in s.
1223 985.03, including a child found to be dependent as defined in s.
1224 39.01(14), or the child's parent or legal guardian, or a young
1225 adult eligible for continued care pursuant to s. 39.6251 subject
1226 to such warrant. Such procedures shall be designed and
1227 implemented so as to accomplish the rescinding and expungement
1228 of all such warrants by January 1, 2023.

1229 (5) A child as defined in s. 985.03, including a child
1230 found to be dependent as defined in s. 39.01(14), or the child's
1231 parent or legal guardian, or a young adult eligible for
1232 continued care pursuant to s. 39.6251 who has had his or her
1233 driver license suspended for nonpayment of court costs and fees
1234 under s. 318.15 or s. 322.245 shall immediately have his or her
1235 driver license reinstated.

1236 Section 36. This act does not limit the ability of a judge,
1237 based on the facts and circumstances of a case, to order victim
1238 restitution or community service or other appropriate
1239 nonmonetary condition.

1240 Section 37. The Division of Law Revision shall replace the
1241 phrase "this act" wherever it occurs in this act with the
1242 chapter law number assigned to this act.

1243 Section 38. This act shall take effect July 1, 2022.