

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., and
10 repealing s. 985.514, F.S., relating to responsibility
11 for cost of care and fees; deleting juveniles from
12 numerous provisions relating to court fees; conforming
13 provisions to changes made by the act; creating s.
14 985.038, F.S.; providing that certain fees and court-
15 ordered costs are unenforceable and uncollectable;
16 providing that unsatisfied civil judgments or portions
17 of judgments based on unpaid costs, fees,
18 reimbursements, or other financial obligations imposed
19 pursuant to specified provisions are null and void;
20 providing that warrants issued solely based on the
21 alleged failure to pay or to appear on a court date
22 set for payment of costs, fees, reimbursements, or
23 other financial obligations imposed pursuant to
24 specified provisions are null and void; providing for
25 reinstatement of driver licenses that have been

26 | suspended for failure to make specified payments;
 27 | providing construction; providing a directive to the
 28 | Division of Law Revision; providing an effective date.

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

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

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

37 | 27.52 Determination of indigent status.—

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

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

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

51 | payments.

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

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

62 | 4. All liabilities and debts.

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

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

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

76 including a child found to be dependent as defined in s.
77 39.01(14), the child's parent or legal guardian, or a young
78 adult eligible for continued care pursuant to s. 39.6251, in
79 which case the application fee is waived and the child as
80 defined in s. 985.03, the child found to be dependent as defined
81 in s. 39.01(14), or the young adult eligible for continued care
82 pursuant to s. 39.6251 is automatically granted indigent status.

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

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

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

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

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

101 clerk may retain 2 percent of application fees collected monthly
 102 for administrative costs from which the clerk shall remit \$0.20
 103 from each application fee to the Department of Revenue for
 104 deposit into the General Revenue Fund before ~~prior to~~ remitting
 105 the remainder to the Department of Revenue for deposit in the
 106 Indigent Criminal Defense Trust Fund.

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

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

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

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

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

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

151 (1) (a) If a person, other than a child as defined in s.
152 985.03, including a child found to be dependent as defined in s.
153 39.01(14), or a young adult eligible for continued care pursuant
154 to s. 39.6251, fails to comply with the civil penalties provided
155 in s. 318.18 within the time period specified in s. 318.14(4),
156 fails to enter into or comply with the terms of a penalty
157 payment plan with the clerk of the court in accordance with ss.
158 318.14 and 28.246, fails to attend driver improvement school, or
159 fails to appear at a scheduled hearing, the clerk of the court
160 must notify the Department of Highway Safety and Motor Vehicles
161 of such failure within 10 days after such failure. Upon receipt
162 of such notice, the department must immediately issue an order
163 suspending the driver license and privilege to drive of such
164 person effective 20 days after the date the order of suspension
165 is mailed in accordance with s. 322.251(1), (2), and (6). The
166 order also must inform the person that he or she may contact the
167 clerk of the court to establish a payment plan pursuant to s.
168 28.246(4) to make partial payments for court-related fines,
169 fees, service charges, and court costs. Any such suspension of
170 the driving privilege which has not been reinstated, including a
171 similar suspension imposed outside of this state, must remain on
172 the records of the department for a period of 7 years from the
173 date imposed and must be removed from the records after the
174 expiration of 7 years from the date it is imposed. The
175 department may not accept the resubmission of such suspension.

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

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

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

195 (1) If a person, other than a child as defined in s.
196 985.03, including a child found to be dependent as defined in s.
197 39.01(14), or a young adult eligible for continued care pursuant
198 to s. 39.6251, charged with a violation of any of the criminal
199 offenses enumerated in s. 318.17 or with the commission of any
200 offense constituting a misdemeanor under chapter 320 or this

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

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

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

226 775.083 Fines.—

227 (2) In addition to the fines set forth in subsection (1),
 228 court costs shall be assessed and collected in each instance a
 229 defendant, other than a child as defined in s. 985.03, including
 230 a child found to be dependent as defined in s. 39.01(14), or a
 231 young adult eligible for continued care pursuant to s. 39.6251,
 232 pleads nolo contendere to, or is convicted of, ~~or adjudicated~~
 233 ~~delinquent for,~~ a felony, a misdemeanor, or a criminal traffic
 234 offense under state law, or a violation of any municipal or
 235 county ordinance if the violation constitutes a misdemeanor
 236 under state law. The court costs imposed by this section shall
 237 be \$50 for a felony and \$20 for any other offense and shall be
 238 deposited by the clerk of the court into an appropriate county
 239 account for disbursement for the purposes provided in this
 240 subsection. A county shall account for the funds separately from
 241 other county funds as crime prevention funds. The county, in
 242 consultation with the sheriff, must expend such funds for crime
 243 prevention programs in the county.

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

246 938.01 Additional Court Cost Clearing Trust Fund.—

247 (1) All courts created by Art. V of the State Constitution
 248 shall, in addition to any fine or other penalty, require every
 249 person, other than a child as defined in s. 985.03, including a
 250 child found to be dependent as defined in s. 39.01(14), or a

251 young adult eligible for continued care pursuant to s. 39.6251,
252 convicted for violation of a state penal or criminal statute or
253 convicted for violation of a municipal or county ordinance to
254 pay \$3 as a court cost. Any person, other than a child as
255 defined in s. 985.03, including a child found to be dependent as
256 defined in s. 39.01(14), or a young adult eligible for continued
257 care pursuant to s. 39.6251, whose adjudication is withheld
258 pursuant to ~~the provisions of~~ s. 318.14(9) or (10) shall also be
259 liable for payment of such cost. In addition, \$3 from every bond
260 estreature or forfeited bail bond related to such penal statutes
261 or penal ordinances shall be remitted to the Department of
262 Revenue as described in this subsection. However, no such
263 assessment may be made against any person convicted for
264 violation of any state statute, municipal ordinance, or county
265 ordinance relating to the parking of vehicles.

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

- 273 1. Ninety-two percent to the Department of Law Enforcement
274 Criminal Justice Standards and Training Trust Fund.
- 275 2. Six and three-tenths percent to the Department of Law

276 Enforcement Operating Trust Fund for the Criminal Justice Grant
 277 Program.

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

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

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

286 938.03 Crimes Compensation Trust Fund.—

287 (1) Any person, other than a child as defined in s. 39.01,
 288 including a child found to be dependent as defined in s.
 289 39.01(14), or a young adult eligible for continued care pursuant
 290 to s. 39.6251, pleading guilty or nolo contendere to, or being
 291 convicted of ~~or adjudicated delinquent for~~, any felony,
 292 misdemeanor, ~~delinquent act~~, or criminal traffic offense under
 293 the laws of this state or the violation of any municipal or
 294 county ordinance which adopts by reference any misdemeanor under
 295 state law, shall pay as an additional cost in the case, in
 296 addition and before ~~prior to~~ any other cost required to be
 297 imposed by law, the sum of \$50. Any person, other than a child
 298 as defined in s. 985.03, including a child found to be dependent
 299 as defined in s. 39.01(14), or a young adult eligible for
 300 continued care pursuant to s. 39.6251, whose adjudication is

301 withheld shall also be assessed such cost.

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

304 938.05 Additional court costs for felonies, misdemeanors,
305 and criminal traffic offenses.—

306 (1) Any person, other than a child as defined in s.
307 985.03, including a child found to be dependent as defined in s.
308 39.01(14), or a young adult eligible for continued care pursuant
309 to s. 39.6251, pleading nolo contendere to a misdemeanor or
310 criminal traffic offense under s. 318.14(10)(a) or pleading
311 guilty or nolo contendere to, or being found guilty of, any
312 felony, misdemeanor, or criminal traffic offense under the laws
313 of this state or the violation of any municipal or county
314 ordinance which adopts by reference any misdemeanor under state
315 law, shall pay as a cost in the case, in addition to any other
316 cost required to be imposed by law, a sum in accordance with the
317 following schedule:

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

321 (b) Misdemeanors: \$60, from which the clerk shall remit
322 \$10 to the Department of Revenue for deposit into the General
323 Revenue Fund.

324 (c) Criminal traffic offenses: \$60, from which the clerk
325 shall remit \$10 to the Department of Revenue for deposit into

326 | the General Revenue Fund.

327 | Section 9. Section 938.055, Florida Statutes, is amended
328 | to read:

329 | 938.055 Operating Trust Fund of the Department of Law
330 | Enforcement.—Notwithstanding any other law, the court may assess
331 | a defendant, other than a child as defined in s. 985.03,
332 | including a child found to be dependent as defined in s.
333 | 39.01(14), or a young adult eligible for continued care pursuant
334 | to s. 39.6251, who pleads guilty or nolo contendere to, or is
335 | convicted of, a violation of any provision of chapters 775-896,
336 | without regard to whether adjudication was withheld, in addition
337 | to any fine and other penalty provided or authorized by law, an
338 | amount of \$100, to be paid to the clerk of the court, who shall
339 | forward it to the Department of Revenue for deposit in the
340 | Operating Trust Fund of the Department of Law Enforcement to be
341 | used by the statewide criminal analysis laboratory system for
342 | the purposes specified in s. 943.361. This amount shall be
343 | assessed if the services of a local county-operated crime
344 | laboratory enumerated in s. 943.35(1) are used in connection
345 | with the investigation or prosecution of a violation of any
346 | provision of chapters 775-896.

347 | Section 10. Subsection (1) of section 938.06, Florida
348 | Statutes, is amended to read:

349 | 938.06 Cost for crime stoppers programs.—

350 | (1) In addition to any fine prescribed by law, when a

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

356 Section 11. Section 938.08, Florida Statutes, is amended
357 to read:

358 938.08 Additional cost to fund programs in domestic
359 violence.—In addition to any sanction imposed on a person, other
360 than a child as defined in s. 985.03, including a child found to
361 be dependent as defined in s. 39.01(14), or a young adult
362 eligible for continued care pursuant to s. 39.6251, for a
363 violation of s. 784.011, s. 784.021, s. 784.03, s. 784.041, s.
364 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s.
365 784.082, s. 784.083, s. 784.085, s. 794.011, or for any offense
366 of domestic violence described in s. 741.28, the court shall
367 impose a surcharge of \$201. Payment of the surcharge shall be a
368 condition of probation, community control, or any other court-
369 ordered supervision. The sum of \$85 of the surcharge shall be
370 deposited into the Domestic Violence Trust Fund established in
371 s. 741.01. The clerk of the court shall retain \$1 of each
372 surcharge that the clerk of the court collects as a service
373 charge of the clerk's office. The remainder of the surcharge
374 shall be provided to the governing board of the county and must
375 be used only to defray the costs of incarcerating persons

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

378 Section 12. Section 938.085, Florida Statutes, is amended
379 to read:

380 938.085 Additional cost to fund rape crisis centers.—In
381 addition to any sanction imposed when a person, other than a
382 child as defined in s. 985.03, including a child found to be
383 dependent as defined in s. 39.01(14), or a young adult eligible
384 for continued care pursuant to s. 39.6251, pleads guilty or nolo
385 contendere to, or is found guilty of, regardless of
386 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
387 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
388 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
389 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
390 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
391 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
392 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
393 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
394 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
395 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
396 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
397 \$151. Payment of the surcharge shall be a condition of
398 probation, community control, or any other court-ordered
399 supervision. The sum of \$150 of the surcharge shall be deposited
400 into the Rape Crisis Program Trust Fund established within the

401 Department of Health by chapter 2003-140, Laws of Florida. The
 402 clerk of the court shall retain \$1 of each surcharge that the
 403 clerk of the court collects as a service charge of the clerk's
 404 office.

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

407 938.10 Additional court cost imposed in cases of certain
 408 crimes.—

409 (1) If a person, other than a child as defined in s.
 410 985.03, including a child found to be dependent as defined in s.
 411 39.01(14), or a young adult eligible for continued care pursuant
 412 to s. 39.6251, pleads guilty or nolo contendere to, or is found
 413 guilty of, regardless of adjudication, any offense against a
 414 minor in violation of s. 784.085, chapter 787, chapter 794,
 415 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
 416 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
 417 s. 893.147(3), or s. 985.701, or any offense in violation of s.
 418 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 419 court shall impose a court cost of \$151 against the offender in
 420 addition to any other cost or penalty required by law.

421 Section 14. Paragraph (a) of subsection (1) of section
 422 938.13, Florida Statutes, is amended to read:

423 938.13 Misdemeanor convictions involving drugs or
 424 alcohol.—

425 (1) (a) When a ~~any~~ person, other than a child as defined in

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

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

437 938.15 Criminal justice education for local government.—In
438 addition to the costs provided for in s. 938.01, municipalities
439 and counties may assess a person, other than a child as defined
440 in s. 985.03, including a child found to be dependent as defined
441 in s. 39.01(14), or a young adult eligible for continued care
442 pursuant to s. 39.6251, an additional \$2 for expenditures for
443 criminal justice education degree programs and training courses,
444 including basic recruit training, for their respective officers
445 and employing agency support personnel, provided such education
446 degree programs and training courses are approved by the
447 employing agency administrator, on a form provided by the
448 Criminal Justice Standards and Training Commission, for local
449 funding.

450 (1) Workshops, meetings, conferences, and conventions

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

460 (2) The Criminal Justice Standards and Training Commission
461 may inspect and copy the documentation of independent audits
462 conducted of the municipalities and counties which make such
463 assessments to ensure that such assessments have been made and
464 that expenditures are in conformance with the requirements of
465 this subsection and with other applicable procedures.

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

468 938.19 Teen courts.—

469 (1) Notwithstanding s. 318.121, in each county in which a
470 teen court has been created, the board of county commissioners
471 may adopt a ~~mandatory~~ court cost to be assessed in specific
472 cases, other than a child as defined in s. 985.03, including a
473 child found to be dependent as defined in s. 39.01(14), or a
474 young adult eligible for continued care pursuant to s. 39.6251,
475 by incorporating by reference the provisions of this section in

476 a county ordinance. Assessments collected by the clerk of the
477 circuit court under this section shall be deposited into an
478 account specifically for the operation and administration of the
479 teen court.

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

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

494 938.23 Assistance grants for alcohol and other drug abuse
495 programs.—

496 (1) In addition to any fine imposed on a person, other
497 than a child as defined in s. 985.03, including a child found to
498 be dependent as defined in s. 39.01(14), or a young adult
499 eligible for continued care pursuant to s. 39.6251, by law for
500 any criminal offense under chapter 893 or for any criminal

501 violation of s. 316.193, s. 856.011, s. 856.015, or chapter 562,
502 chapter 567, or chapter 568, the court shall be authorized,
503 pursuant to the requirements of s. 938.21, to impose an
504 additional assessment in an amount up to the amount of the fine
505 authorized for the offense. Such additional assessments shall be
506 deposited for the purpose of providing assistance grants to drug
507 abuse treatment or alcohol treatment or education programs as
508 provided in s. 893.165.

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

511 938.27 Judgment for costs of prosecution and
512 investigation.—

513 (1) In all criminal and violation-of-probation or
514 community-control cases, convicted persons are liable for
515 payment of the costs of prosecution, including investigative
516 costs incurred by law enforcement agencies, by fire departments
517 for arson investigations, and by investigations of the
518 Department of Financial Services or the Office of Financial
519 Regulation of the Financial Services Commission, if requested by
520 such agencies. The court shall include these costs in every
521 judgment rendered against the convicted person, other than a
522 child as defined in s. 985.03, including a child found to be
523 dependent as defined in s. 39.01(14), or a young adult eligible
524 for continued care pursuant to s. 39.6251. For purposes of this
525 section, the term "convicted" means a determination of guilt, or

526 of violation of probation or community control, which is a
527 result of a plea, trial, or violation proceeding, regardless of
528 whether adjudication is withheld.

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

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

539 938.29 Legal assistance; lien for payment of attorney
540 ~~attorney's~~ fees or costs.—

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

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

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

570 (c) The defendant shall pay the application fee under s.
571 27.52(1)(b) and attorney ~~attorney's~~ fees and costs in full or in
572 installments, at the time or times specified. The court may
573 order payment of the assessed application fee and attorney
574 ~~attorney's~~ fees and costs as a condition of probation, of
575 suspension of sentence, or of withholding the imposition of

576 sentence. All funds collected under this section shall be
 577 distributed as provided in s. 27.562.

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

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

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

593
 594 Such lien constitutes a claim against the defendant-recipient ~~or~~
 595 ~~parent~~ and his or her estate, enforceable according to law.

596 (b) A judgment showing the name and residence of the
 597 defendant-recipient ~~or parent~~ shall be recorded in the public
 598 record, without cost, by the clerk of the circuit court in the
 599 county where the defendant-recipient ~~or parent~~ resides and in
 600 each county in which such defendant-recipient ~~or parent~~ then

601 owns or later acquires any property. Such judgments shall be
602 enforced on behalf of the state by the clerk of the circuit
603 court of the county in which assistance was rendered. ~~The lien~~
604 ~~against a parent shall remain in force notwithstanding the child~~
605 ~~becoming emancipated or the child reaching the age of majority.~~

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

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

624 (5) The court having jurisdiction of the defendant-
625 recipient shall, at such stage of the proceedings as the court

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

636 (6) A defendant who is a child as defined in s. 985.03,
637 including a child found to be dependent as defined in s.
638 39.01(14), or the child's parent or legal guardian, or a
639 defendant who is a young adult eligible for continued care
640 pursuant to s. 39.6251 may not be required to reimburse the
641 costs of or pay the fees for the services of a public defender,
642 special assistant public defender, office of criminal conflict
643 and civil regional counsel, or appointed private legal counsel,
644 or for received due process services. A defendant who is a child
645 as defined in s. 985.03, including a child found to be dependent
646 as defined in s. 39.01(14), or the child's parent or legal
647 guardian, or a defendant who is a young adult eligible for
648 continued care pursuant to s. 39.6251 may not be required to pay
649 the application fee pursuant to s. 27.52.

650 Section 20. Section 938.35, Florida Statutes, is amended

651 to read:

652 938.35 Collection of court-related financial obligations.—

653 (1) The board of county commissioners or the governing
654 body of a municipality may pursue the collection of any fees,
655 service charges, fines, or costs to which it is entitled which
656 remain unpaid for 90 days or more, or refer the account to a
657 private attorney who is a member in good standing of The Florida
658 Bar or collection agent who is registered and in good standing
659 pursuant to chapter 559. In pursuing the collection of such
660 unpaid financial obligations through a private attorney or
661 collection agent, the board of county commissioners or the
662 governing body of a municipality must determine this is cost-
663 effective and follow applicable procurement practices. The
664 collection fee, including any reasonable attorney ~~attorney's~~
665 fee, paid to any attorney or collection agent retained by the
666 board of county commissioners or the governing body of a
667 municipality may be added to the balance owed, in an amount not
668 to exceed 40 percent of the amount owed at the time the account
669 is referred to the attorney or agents for collection.

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

675 Section 21. Paragraphs (a) and (b) of subsection (1) and

676 subsection (2) of section 939.185, Florida Statutes, are amended
677 to read:

678 939.185 Assessment of additional court costs and
679 surcharges.—

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

692 1. Twenty-five percent of the amount collected shall be
693 allocated to fund innovations, as determined by the chief judge
694 of the circuit, to supplement state funding for the elements of
695 the state courts system identified in s. 29.004 and county
696 funding for local requirements under s. 29.008(2)(a)2.

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

700 3. Twenty-five percent of the amount collected shall be

701 allocated to fund personnel and legal materials for the public
 702 as part of a law library.

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

708
 709 Each county receiving funds under this section shall report the
 710 amount of funds collected pursuant to this section and an
 711 itemized list of expenditures for all authorized programs and
 712 activities. The report shall be submitted in a format developed
 713 by the Supreme Court to the Governor, the Chief Financial
 714 Officer, the President of the Senate, and the Speaker of the
 715 House of Representatives on a quarterly basis beginning with the
 716 quarter ending September 30, 2004. Quarterly reports shall be
 717 submitted no later than 30 days after the end of the quarter.
 718 Any unspent funds at the close of the county fiscal year
 719 allocated under subparagraphs 2., 3., and 4., shall be
 720 transferred for use pursuant to subparagraph 1.

721 (b) In addition to the court costs imposed under paragraph
 722 (a) and any other cost, fine, or penalty imposed by law, any
 723 unit of local government which is consolidated as provided by s.
 724 9, Art. VIII of the State Constitution of 1885, as preserved by
 725 s. 6(e), Art. VIII of the State Constitution of 1968, and which

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

748 (2) The court shall order a person, other than a child as
749 defined in s. 985.03, including a child found to be dependent as
750 defined in s. 39.01(14), or a young adult eligible for continued

751 care pursuant to s. 39.6251, to pay the additional court cost.
752 If the person is determined to be indigent, the clerk shall
753 defer payment of this cost.

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

756 943.0515 Retention of criminal history records of minors.—

757 (1)

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

765 2. A minor described in subparagraph 1. may apply to the
766 department to have his or her criminal history record expunged
767 before the minor reaches 21 years of age. To be eligible for
768 expunction under this subparagraph, the minor must be 18 years
769 of age or older and less than 21 years of age and have not been
770 charged by the state attorney with or found to have committed
771 any criminal offense within the 5-year period before the
772 application date. The only offenses eligible to be expunged
773 under this subparagraph are those that the minor committed
774 before the minor reached 18 years of age. A criminal history
775 record expunged under this subparagraph requires the approval of

776 the state attorney for each circuit in which an offense
777 specified in the criminal history record occurred. A minor
778 seeking to expunge a criminal history record under this
779 subparagraph shall apply to the department for expunction in the
780 manner prescribed by rule. An application for expunction under
781 this subparagraph shall include:

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

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

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

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

801 subparagraph 1.

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

804 944.485 Subsistence fees with respect to certain
805 prisoners; time of adoption; requirements.—

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

811 Section 24. Subsections (1) and (2) of section 948.09,
812 Florida Statutes, are amended, and subsection (7) is added to
813 that section, to read:

814 948.09 Payment for cost of supervision and other monetary
815 obligations.—

816 (1)(a)1. A ~~Any~~ person, other than a child as defined in s.
817 985.03, including a child found to be dependent as defined in s.
818 39.01(14), or a young adult eligible for continued care pursuant
819 to s. 39.6251, ordered by the court, the Department of
820 Corrections, or the Florida Commission on Offender Review to be
821 placed under supervision under this chapter, chapter 944,
822 chapter 945, chapter 947, or chapter 958, or in a pretrial
823 intervention program, must, as a condition of any placement, pay
824 the department a total sum of money equal to the total month or
825 portion of a month of supervision times the court-ordered

826 amount, but not to exceed the actual per diem cost of the
827 supervision. The department shall adopt rules by which an
828 offender who pays in full and in advance of regular termination
829 of supervision may receive a reduction in the amount due. The
830 rules shall incorporate provisions by which the offender's
831 ability to pay is linked to an established written payment plan.
832 Funds collected from felony offenders may be used to offset
833 costs of the Department of Corrections associated with community
834 supervision programs, subject to appropriation by the
835 Legislature.

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

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

858 (2) A ~~Any~~ person, other than a child as defined in s.
 859 985.03, including a child found to be dependent as defined in s.
 860 39.01(14), or a young adult eligible for continued care pursuant
 861 to s. 39.6251, being electronically monitored by the department
 862 as a result of being placed on supervision shall pay the
 863 department for electronic monitoring services at a rate that may
 864 not exceed the full cost of the monitoring service in addition
 865 to the cost of supervision as directed by the sentencing court.
 866 The funds collected under this subsection shall be deposited in
 867 the General Revenue Fund. The department may exempt a person
 868 from paying all or any part of the costs of the electronic
 869 monitoring service if it finds that any of the factors listed in
 870 subsection (3) exist.

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

876 monitoring services provided in this section.

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

879 960.28 Payment for victims' initial forensic physical
880 examinations.—

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

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

895 985.032 Legal representation for delinquency cases.—

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

900 Section 27. Section 985.033, Florida Statutes, is amended

901 to read:

902 985.033 Right to counsel.—

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

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

922 (3) If the parents or legal guardian of an indigent child
923 are not indigent but refuse to employ counsel, the court shall
924 appoint counsel pursuant to s. 27.52 to represent the child at
925 the detention hearing and until counsel is provided. ~~Costs of~~

926 ~~representation are hereby imposed as provided by ss. 27.52 and~~
927 ~~938.29. Thereafter, the court shall not appoint counsel for an~~
928 ~~indigent child with nonindigent parents or legal guardian but~~
929 ~~shall order the parents or legal guardian to obtain private~~
930 ~~counsel. A parent or legal guardian of an indigent child who has~~
931 ~~been ordered to obtain private counsel for the child and who~~
932 ~~willfully fails to follow the court order shall be punished by~~
933 ~~the court in civil contempt proceedings.~~

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

947 ~~(5) Notwithstanding any provision of this section or any~~
948 ~~other law to the contrary, if a child is transferred for~~
949 ~~criminal prosecution pursuant to this chapter, a nonindigent or~~
950 ~~indigent-but-able-to-contribute parent or legal guardian of the~~

951 ~~child pursuant to s. 27.52 is liable for necessary legal fees~~
 952 ~~and costs incident to the criminal prosecution of the child as~~
 953 ~~an adult.~~

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

956 985.039 Cost of supervision; cost of care; charges
 957 prohibited.—A child as defined in s. 985.03, including a child
 958 found to be dependent as defined in s. 39.01(14), or the child's
 959 parent or legal guardian, or a young adult eligible for
 960 continued care pursuant to s. 39.6251 may not be ordered to pay
 961 fees under this chapter, including probation supervision fees,
 962 or court administration fees, including the cost of court-
 963 appointed attorneys or public defenders, the cost of
 964 prosecution, or other administrative costs of the court.

965 ~~(1) Except as provided in subsection (3) or subsection~~
 966 ~~(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~~
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~~
1012 ~~or waive the fee as to each parent if the court makes a finding~~
1013 ~~on the record that the parent was the victim of the delinquent~~
1014 ~~act or violation of law for which the child has been placed~~
1015 ~~under the supervision or care of the department and that the~~
1016 ~~parent is cooperating or has cooperated with the investigation~~
1017 ~~of the 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~~
1028 ~~child who reaches the age of 18 prior to the detention or~~
1029 ~~disposition hearing, the court may elect to direct an order~~
1030 ~~required by this section to such child, rather than to the~~
1031 ~~child's parent. With regard to a child who reaches 18 while~~
1032 ~~under the supervision or care of the department, the court may,~~
1033 ~~upon proper motion of any party, hold a hearing as to whether~~
1034 ~~any party should be further obligated to pay any fee associated~~
1035 ~~with cost of the supervision or care of such child. If the court~~
1036 ~~does not enter an order under this subsection, it shall be~~
1037 ~~presumed that the court intended for the parent to pay or to~~
1038 ~~continue to pay the fees specified in this section. Any order~~
1039 ~~entered pursuant to this subsection must include specific~~
1040 ~~findings as to what fees are ordered, reduced, or waived as to~~
1041 ~~the child.~~

1042 ~~(7) With respect to a child who has been placed under the~~
1043 ~~supervision or care of the department and whose parent receives~~
1044 ~~public assistance for any portion of such child's care, the~~
1045 ~~department must seek a federal waiver to garnish or otherwise~~
1046 ~~order the payment of a portion of the public assistance relating~~
1047 ~~to such child, in an amount not to exceed the amount of the~~
1048 ~~parent's obligation, in order to offset the costs to the~~
1049 ~~department associated with providing supervision or care of such~~
1050 ~~child.~~

1051 ~~(8) If any order entered pursuant to this section affects~~
1052 ~~the guardianship of an estate, a certified copy of such order~~
1053 ~~shall be delivered to the judge having jurisdiction over the~~
1054 ~~guardianship of the estate.~~

1055 ~~(9) The department may employ a collection agency for the~~
1056 ~~purpose of receiving, collecting, and managing the payment of~~
1057 ~~any fees ordered pursuant to this section that have gone~~
1058 ~~delinquent or unpaid for 90 days or more. The collection agency~~
1059 ~~must be registered and in good standing under chapter 559. The~~
1060 ~~department may pay for the services of the collection agency~~
1061 ~~from available authorized funds or from funds generated by any~~
1062 ~~collections under this subsection. Alternatively, the department~~
1063 ~~may authorize the collection agency to withhold a specified~~
1064 ~~amount of any fee collected as payment for its services.~~

1065 ~~(10) The department or the collection agency shall provide~~
1066 ~~to the payor documentation of the payment of any fee paid~~
1067 ~~pursuant to this section. Except as provided in subsection (9),~~
1068 ~~all payments received by the department or the collection agency~~
1069 ~~pursuant to this section shall be deposited in the department's~~
1070 ~~Grants and Donations Trust Fund.~~

1071 ~~(11) Under no circumstance shall the court or the~~
1072 ~~department extend the child's length of stay in the department's~~
1073 ~~supervision or care solely for the purpose of collecting the~~
1074 ~~fees specified in this section.~~

1075 ~~(12) No parent or child shall be liable for any fee~~

1076 ~~provided in this section unless:~~

1077 ~~(a) The child is adjudicated delinquent, or has~~
 1078 ~~adjudication of delinquency withheld, for the offense that gave~~
 1079 ~~rise to the supervision or care; or~~

1080 ~~(b) The child is found to have violated an order of the~~
 1081 ~~court, including any order of supervision or care, and the costs~~
 1082 ~~are associated with the violation of such order.~~

1083
 1084 ~~If any funds are paid for the supervision or care of a child who~~
 1085 ~~is determined not to meet the criteria specified in paragraph~~
 1086 ~~(a) or paragraph (b), such funds shall be refunded to the payor~~
 1087 ~~forthwith.~~

1088 ~~(13) For purposes of this section, "parent" means any~~
 1089 ~~person who meets the definition of "parent" or "legal custody or~~
 1090 ~~guardian" in s. 985.03.~~

1091 Section 29. Paragraph (b) of subsection (2) of section
 1092 985.12, Florida Statutes, is amended to read:

1093 985.12 Civil citation or similar prearrest diversion
 1094 programs.—

1095 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST
 1096 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

1097 (b) Each judicial circuit's civil citation or similar
 1098 prearrest diversion program must specify all of the following:

1099 1. The misdemeanor offenses that qualify a juvenile for
 1100 participation in the program.†

- 1101 2. The eligibility criteria for the program.‡
 1102 3. The program's implementation and operation.‡
 1103 4. The program's requirements, including, but not limited
 1104 to, the completion of community service hours, payment of
 1105 restitution, if applicable, and intervention services indicated
 1106 by a needs assessment of the juvenile, approved by the
 1107 department, such as family counseling, urinalysis monitoring,
 1108 and substance abuse and mental health treatment services;~~and~~
 1109 5. ~~A program fee, if any, to be paid by a juvenile~~
 1110 ~~participating in the program. If the program imposes a fee, the~~
 1111 ~~clerk of the court of the applicable county must receive a~~
 1112 ~~reasonable portion of the fee.~~

1113 Section 30. Subsection (2) of section 985.145, Florida
 1114 Statutes, is amended to read:

1115 985.145 Responsibilities of the department during intake;
 1116 screenings and assessments.-

1117 (2) Before ~~Prior to~~ requesting that a delinquency petition
 1118 be filed or before ~~prior to~~ filing a dependency petition, the
 1119 department may request the parent or legal guardian of the child
 1120 to attend a course of instruction in parenting skills, training
 1121 in conflict resolution, and the practice of nonviolence; to
 1122 accept counseling; or to receive other assistance from any
 1123 agency in the community which notifies the clerk of the court of
 1124 the availability of its services. Where appropriate, the
 1125 department shall request both parents or guardians to receive

HB 257

2022

1126 such parental assistance. The department may, in determining
1127 whether to request that a delinquency petition be filed, take
1128 into consideration the willingness of the parent or legal
1129 guardian to comply with such request. ~~The parent or guardian
1130 must provide the department with identifying information,
1131 including the parent's or guardian's name, address, date of
1132 birth, social security number, and driver license number or
1133 identification card number in order to comply with s. 985.039.~~

1134 Section 31. Paragraphs (paragraph (a) of subsection (6) is
1135 amended to read:

1136 985.155 Neighborhood restorative justice.—

1137 (6) WRITTEN CONTRACT.—

1138 (a) The board, on behalf of the community, and the
1139 juvenile, the juvenile's parent or guardian, and the victim or
1140 representative of the victim, shall sign a written contract in
1141 which the parties agree to the board's resolution of the matter
1142 and in which the juvenile's parent or guardian agrees to ensure
1143 that the juvenile complies with the contract. ~~The contract may
1144 provide that the parent or guardian shall post a bond payable to
1145 this state to secure the performance of any sanction imposed
1146 upon the juvenile pursuant to subsection (5).~~

1147 Section 32. Subsection (6) of section 985.18, Florida
1148 Statutes, is amended to read:

1149 985.18 Medical, psychiatric, psychological, substance
1150 abuse, and educational examination and treatment.—

1151 (6) A physician must be immediately notified by the person
 1152 taking the child into custody or the person having custody if
 1153 there are indications of physical injury or illness, or the
 1154 child shall be taken to the nearest available hospital for
 1155 emergency care. A child may be provided mental health, substance
 1156 abuse, or intellectual disability services in emergency
 1157 situations pursuant to chapter 393, chapter 394, or chapter 397,
 1158 as applicable. Such costs must be paid for by an approved
 1159 provider with sufficient state or federal funding or compensated
 1160 by public or private medical insurance. The court may not ~~After~~
 1161 ~~a hearing, the court may~~ order the custodial parent or parents,
 1162 guardian, or other custodian, ~~if found able to do so,~~ to
 1163 reimburse the county or state for the expense involved in such
 1164 emergency treatment or care.

1165 Section 33. Section 985.331, Florida Statutes, is amended
 1166 to read:

1167 985.331 Court and witness fees.—In any proceeding under
 1168 this chapter, court fees may ~~shall~~ not be charged against, nor
 1169 witness fees allowed to, or charged against, any party to a
 1170 delinquency petition or any parent or legal guardian or
 1171 custodian or child named in a summons. ~~Other witnesses shall be~~
 1172 ~~paid the witness fees fixed by law.~~

1173 Section 34. Section 985.514, Florida Statutes, is
 1174 repealed.

1175 Section 35. Section 985.038, Florida Statutes, is created

1176 to read:

1177 985.038 Fees and costs assessed before the effective date
1178 of this act.—On and after July 1, 2022:

1179 (1) The balance of any fees or court-ordered costs imposed
1180 against a child as defined in s. 985.03, including a child found
1181 to be dependent as defined in s. 39.01(14), or the child's
1182 parent or legal guardian, or a young adult eligible for
1183 continued care pursuant to s. 39.6251, pursuant to ss. 322.245,
1184 775.083(2), 938.01, 938.03, 938.05, 938.055, 938.06, 938.08,
1185 938.085, 938.10, 938.13, 938.15, 938.19, 938.23, 938.27, 938.35,
1186 939.185, 943.0515, 944.485, 948.09, 960.28, 985.032, 985.033,
1187 985.039, 985.12, 985.145, 985.155, 985.18, 985.331, and 985.514,
1188 are unenforceable and uncollectable, and, on January 1, 2023,
1189 the portion of the judgment imposing those costs is vacated and
1190 discharged.

1191 (2) The balance of any court-ordered costs imposed
1192 pursuant to ss. 27.52, 938.29, and 938.35 relating to the
1193 rendering of legal services to a child as defined in s. 985.03,
1194 including a child found to be dependent as defined in s.
1195 39.01(14), or the child's parent or legal guardian, or a young
1196 adult eligible for continued care pursuant to s. 39.6251 by an
1197 attorney are unenforceable and uncollectable, and, on January 1,
1198 2023, the portion of the judgment imposing those costs is
1199 vacated and discharged.

1200 (3) All unsatisfied civil judgments or portions of

1201 judgments based on unpaid costs, fees, reimbursements, or other
1202 financial obligations imposed pursuant to a provision repealed
1203 by this act on a child as defined in s. 985.03, including a
1204 child found to be dependent as defined in s. 39.01(14), or the
1205 child's parent or legal guardian, or a young adult eligible for
1206 continued care pursuant to s. 39.6251 are null and void and, for
1207 all legal purposes, are vacated and discharged. Any procedures
1208 necessary to accomplish the purposes of this section may not
1209 require any affirmative action on the part of any delinquent
1210 child, or the child's parent or legal guardian, or any
1211 delinquent young adult subject to such judgment. Such procedures
1212 shall be designed and implemented so as to accomplish the
1213 vacatur and discharge of all such civil judgments or portions of
1214 such judgments by January 1, 2023.

1215 (4) All warrants issued solely based on the alleged
1216 failure of a child as defined in s. 985.03, including a child
1217 found to be dependent as defined in s. 39.01(14), or the child's
1218 parent or legal guardian, or a young adult eligible for
1219 continued care pursuant to s. 39.6251 to pay or to appear on a
1220 court date set for the sole purpose of payment of costs, fees,
1221 reimbursements, or other financial obligations imposed pursuant
1222 to a provision repealed by this act are null and void. Any
1223 procedures necessary to accomplish the purposes of this section
1224 may not require any affirmative action on the part of a child as
1225 defined in s. 985.03, including a child found to be dependent as

1226 defined in s. 39.01(14), or the child's parent or legal
1227 guardian, or a young adult eligible for continued care pursuant
1228 to s. 39.6251 subject to such warrant. Such procedures shall be
1229 designed and implemented so as to accomplish the rescinding and
1230 expungement of all such warrants by January 1, 2023.

1231 (5) A child as defined in s. 985.03, including a child
1232 found to be dependent as defined in s. 39.01(14), or the child's
1233 parent or legal guardian, or a young adult eligible for
1234 continued care pursuant to s. 39.6251 who has had his or her
1235 driver license suspended for nonpayment of court costs and fees
1236 under s. 318.15 or s. 322.245 shall immediately have his or her
1237 driver license reinstated.

1238 Section 36. This act does not limit the ability of a
1239 judge, based on the facts and circumstances of the case, to
1240 order victim restitution or community service or other
1241 appropriate nonmonetary condition.

1242 Section 37. The Division of Law Revision shall replace the
1243 phrase "this act" wherever it occurs in this act with the
1244 chapter law number assigned to this act.

1245 Section 38. This act shall take effect July 1, 2022.