

By Senator Gibson

6-01030A-21

20211926__

1 A bill to be entitled
2 An act relating to children and young adults' fines
3 and fees; providing a short title; amending s. 27.52,
4 F.S., and reenacting paragraphs (5) (a), (c), (d), and
5 (i), relating to being indigent for costs; excluding
6 children, their parents or legal guardians, or certain
7 young adults, when seeking appointment of a public
8 defender, from having to apply to the clerk of the
9 court for a determination of indigent status; waiving
10 the required application fee for such persons;
11 deleting provisions requiring nonindigent parents or
12 guardians from being responsible for certain financial
13 obligations of children or adult tax-dependent
14 persons; amending s. 318.15, F.S.; excluding children
15 or certain young adults from suspension of their
16 driver licenses for failing to pay civil penalties or
17 enter into a penalty payment plan for certain
18 penalties; prohibiting such children or young adults
19 from being charged specified fees; requiring the
20 Department of Highway Safety and Motor Vehicles to
21 immediately and automatically reinstate the driver
22 licenses of such children or young adults; amending s.
23 322.245, F.S.; excluding children or certain young
24 adults charged with certain violations from suspension
25 of their driver licenses for failing to comply with
26 certain directives by the court and for failing to pay
27 delinquency fees; prohibiting such children or young
28 adults from being charged specified fees; requiring
29 the department to immediately and automatically

6-01030A-21

20211926__

30 reinstated the driver licenses of such children or
31 young adults; amending s. 775.083, F.S.; excluding
32 children or certain young adults who have been
33 convicted of certain offenses from an authorization as
34 part of a sentence to pay a fine and, when specified
35 in law, to pay a fine in lieu of specified
36 punishments; excluding children or certain young
37 adults from a requirement that court costs be assessed
38 and collected in each instance that a defendant pleads
39 nolo contendere to or is convicted of certain
40 offenses; amending s. 938.01, F.S.; excluding children
41 or certain young adults who have been convicted of
42 certain offenses or whose adjudication is withheld
43 from a requirement to pay a specified court cost;
44 amending s. 938.03, F.S.; excluding children or
45 certain young adults who have pled guilty or nolo
46 contendere to, or who have been convicted of, certain
47 offenses or whose adjudication is withheld from being
48 required to pay an additional specified cost; amending
49 s. 938.05, F.S.; excluding children or certain young
50 adults who plead nolo contendere to certain offenses
51 or plead guilty or nolo contendere to, or who are
52 found guilty of, certain offenses from being required
53 to pay a specified cost; amending s. 938.055, F.S.;
54 excluding children or certain young adults from an
55 authorization allowing a court to assess certain
56 defendants a specified fee; amending s. 938.06, F.S.;
57 excluding children or certain young adults from a
58 requirement that a person convicted of any criminal

6-01030A-21

20211926__

59 offense be assessed a certain court cost by the county
60 or circuit court; amending s. 938.08, F.S.; excluding
61 children or certain young adults from a requirement
62 that for specified violations, the court impose a
63 certain surcharge; amending s. 938.085, F.S.;

64 excluding children or certain young adults from a
65 requirement that for specified violations, the court
66 impose a certain surcharge; amending s. 938.10, F.S.;

67 excluding children or certain young adults from a
68 requirement that for specified violations, the court
69 impose a certain court cost; amending s. 938.13, F.S.;

70 excluding children or certain young adults from a
71 requirement that for specified violations, the court
72 impose a certain cost; amending s. 938.15, F.S.;

73 excluding children or certain young adults from an
74 authorization that allows municipalities and counties
75 to assess a certain cost; amending s. 938.19, F.S.,
76 and reenacting subsection (7), relating to teen
77 courts; excluding children or certain young adults
78 from an authorization, rather than a requirement, that
79 allows the board of county commissioners, in each
80 county in which a teen court has been created, to
81 adopt a court cost to be assessed in specific cases;

82 excluding children or certain young adults from a
83 requirement that a certain court cost be assessed
84 against each person who pleads guilty or nolo
85 contendere to or is convicted of certain offenses;

86 amending s. 938.23, F.S.; excluding children or
87 certain young adults from an authorization that allows

6-01030A-21

20211926__

88 a court to impose an additional assessment in an
89 amount up to the amount of the fine authorized for the
90 offense; amending s. 938.27, F.S.; excluding children
91 or certain young adults from the convicted persons who
92 are liable for payment of specified costs; excluding
93 children or certain young adults from the requirement
94 of paying certain costs as a condition of being placed
95 on probation or community control; amending s. 938.29,
96 F.S.; excluding children or certain young adults from
97 the defendants who are liable for a certain
98 application fee and attorney fees and costs under
99 certain circumstances; deleting provisions relating to
100 a parent's lien responsibility for costs and fees of
101 an accused minor or an accused adult tax-dependent
102 person; prohibiting children, their parents or legal
103 guardians, or certain young adults from being required
104 to reimburse specified costs or fees; amending s.
105 939.185, F.S.; excluding children or certain young
106 adults from an authorization that allows a board of
107 county commissioners to adopt by ordinance an
108 additional court cost imposed by a court when a person
109 pleads guilty or nolo contendere to, or is found
110 guilty of, certain offenses; conforming a provision to
111 changes made by the act; amending s. 943.0515, F.S.;
112 deleting a provision requiring a processing fee as
113 part of an application for expunction of certain
114 criminal history records of a minor; amending s.
115 948.09, F.S.; excluding children or certain young
116 adults from the requirement that persons ordered by

6-01030A-21

20211926__

117 the court or certain entities to be placed under
118 supervision under specified provisions of law or in a
119 pretrial intervention program must pay specified sums
120 of money as a condition of being placed under such
121 supervision or program; excluding children or certain
122 young adults from the requirement that any person
123 placed on misdemeanor probation by a county court pay
124 a minimum monthly fee to the entity providing
125 misdemeanor supervision; excluding children or certain
126 young adults from the requirement that any person
127 being electronically monitored by the Department of
128 Corrections pay the department for the electronic
129 monitoring services at a certain rate in addition to a
130 certain cost; prohibiting children, their parents or
131 legal guardians, or certain young adults from being
132 required to reimburse specified costs or fees;
133 amending s. 960.28, F.S.; excluding children or
134 certain young adults from the requirement that
135 defendants who plead guilty or nolo contendere to, or
136 are convicted of, certain offenses be ordered by the
137 court to pay restitution of a certain amount; amending
138 s. 985.032, F.S.; prohibiting, rather than requiring,
139 a juvenile who has been adjudicated delinquent or has
140 adjudication of delinquency withheld from being
141 assessed costs of prosecution; prohibiting such
142 juveniles from being assessed the costs for any
143 probation or diversion services; amending s. 985.033,
144 F.S.; requiring a court to appoint counsel if a child
145 or his or her parents or other legal guardian do not

6-01030A-21

20211926__

146 employ counsel for the child; deleting a provision
147 providing for the determination of indigence and costs
148 of representation; deleting an exception to the
149 requirement that a child be represented by legal
150 counsel at all stages of all court proceedings;
151 specifying that representation may not be waived by
152 the child or his or her parents or legal guardian;
153 prohibiting children, their parents or legal
154 guardians, or certain young adults from being required
155 to pay certain fees, costs, or expenses if a court
156 appoints counsel for the child or young adult;
157 conforming provisions to changes made by the act;
158 creating s. 985.038, F.S.; providing that, after a
159 certain date, the balance of any court-ordered costs
160 imposed against children, their parents or legal
161 guardians, or certain young adults pursuant to
162 specified provisions of law shall be unenforceable and
163 uncollectable and on a certain date, the portion of
164 the judgment imposing such costs is vacated; providing
165 that after a certain date, the balance of any court-
166 ordered costs imposed pursuant to specified provisions
167 of law which are related to the rendering of legal
168 services to children, their parents or legal
169 guardians, or certain young adults by an attorney
170 shall be unenforceable and uncollectable and on a
171 certain date, the portion of the judgment imposing
172 those costs is vacated; providing that, after a
173 certain date, all unsatisfied civil judgments or
174 portions of judgments based on unpaid costs, fees,

6-01030A-21

20211926__

175 reimbursements, or other financial obligations imposed
176 pursuant to specified provisions of law on children,
177 their parents or legal guardians, or certain young
178 adults are deemed to be null and void; requiring that
179 certain procedures be designed and implemented to
180 accomplish the vacatur and discharge of certain civil
181 judgments by a specified date; providing that, after a
182 certain date, all warrants issued solely based on the
183 alleged failure of children, their parents or legal
184 guardians, or certain young adults to pay or to appear
185 on a court date set for the sole purpose of payment of
186 costs, fees, reimbursements, or any other financial
187 obligation imposed pursuant to specified provisions of
188 law are null and void; requiring that certain
189 procedures be designed and implemented to accomplish
190 the rescinding and expungement of certain warrants by
191 a specified date; requiring that, after a certain
192 date, children, their parents or legal guardians, or
193 certain young adults who have had their driver license
194 suspended for nonpayment of court costs or fees
195 pursuant to specified provisions of law immediately
196 and automatically have their driver license reinstated
197 by the Department of Highway Safety and Motor
198 Vehicles; amending s. 985.039, F.S.; prohibiting a
199 child, or a parent or legal guardian of such child,
200 from being ordered to pay any fee under ch. 985, F.S.;
201 deleting provisions relating to the cost of
202 supervision and the cost of care; amending s. 985.12,
203 F.S.; deleting a provision requiring that each

6-01030A-21

20211926__

204 judicial circuit's civil citation or similar prearrest
205 diversion program specify a program fee, if any, to be
206 paid by the juvenile; amending s. 985.155, F.S.;

207 deleting a provision authorizing a Restorative Justice
208 Board to require a juvenile to surrender his or her
209 driver license and either require the department to
210 suspend the juvenile's driving privileges or restrict
211 his or her travel; deleting a provision that a certain
212 contract may require a parent or guardian to post a
213 bond payable to the state to secure the performance of
214 certain sanctions imposed upon a juvenile; amending s.
215 985.18, F.S.; requiring that certain costs related to
216 taking children into custody be paid for by certain
217 parties; prohibiting a court from ordering the
218 parents, guardian, or other custodian to reimburse the
219 county or state for certain expenses; amending s.
220 985.331, F.S.; deleting a provision on how certain
221 witnesses must be paid; repealing s. 985.514, F.S.,
222 relating to responsibility for the cost of care and
223 fees; amending s. 985.145, F.S.; conforming a
224 provision to changes made by the act; reenacting ss.
225 27.02(2), 27.51(1), 27.511(5), 27.525, 27.702(3)(b),
226 29.0185, 57.081(1), 162.30, 392.55(4)(c), 392.56(3),
227 900.05(3)(a), 914.11, 916.107(2)(a), 916.15(4),
228 938.29(1)(c), 939.06(1), and 943.053(7), F.S.,
229 relating to duties before the court; duties of the
230 public defender; offices of criminal conflict and
231 civil regional counsel, legislative intent,
232 qualifications, appointment, and duties; the Indigent

6-01030A-21

20211926__

233 Criminal Defense Trust Fund; duties of the capital
234 collateral regional counsel and reports; provision of
235 state-funded due process services to individuals;
236 costs and right to proceed where prepayment of costs
237 and payment of filing fees are waived; civil actions
238 to enforce county and municipal ordinances; physical
239 examination and treatment; hospitalization, placement,
240 and residential isolation; criminal justice data
241 collection; indigent defendants; rights of forensic
242 clients; involuntary commitment of defendant
243 adjudicated not guilty by reason of insanity; legal
244 assistance and lien for payment of attorney's fees or
245 costs; acquitted defendant not liable for costs; and
246 dissemination of criminal justice information and
247 fees, respectively, to incorporate the amendment made
248 to s. 27.52, F.S., in references thereto; reenacting
249 ss. 903.286 and 948.03(1)(j), F.S., relating to return
250 of cash bond, requirement to withhold unpaid fines,
251 fees, and court costs, and cash bond forms; and terms
252 and conditions of probation, respectively, to
253 incorporate the amendments made to ss. 27.52 and
254 938.29, F.S., in references thereto; reenacting ss.
255 322.29(2) and 322.34(10)(a), F.S., relating to
256 surrender and return of license and driving while
257 license suspended, revoked, canceled, or disqualified,
258 respectively, to incorporate the amendments made to
259 ss. 318.15 and 322.245, F.S., in references thereto;
260 reenacting ss. 318.14(10)(a), 320.571, and 322.391,
261 F.S., relating to noncriminal traffic infractions,

6-01030A-21

20211926__

262 exception, and procedures; failure of person charged
263 with misdemeanor under this chapter to comply with
264 court-ordered directives and suspension of license;
265 and failure of person charged with misdemeanor under
266 this chapter to comply with court-ordered directives
267 and suspension of license, respectively, to
268 incorporate the amendment made to s. 322.245, F.S., in
269 references thereto; reenacting s. 938.15, F.S.,
270 relating to criminal justice education for local
271 government, to incorporate the amendment made to s.
272 938.01, F.S., in a reference thereto; reenacting ss.
273 318.21(10), 775.0835(2), and 960.14(2), F.S., relating
274 to disposition of civil penalties by county courts;
275 fines, surcharges, and Crimes Compensation Trust Fund;
276 and manner of payment and execution or attachment,
277 respectively, to incorporate the amendment made to s.
278 938.03, F.S., in references thereto; reenacting ss.
279 921.187(1)(1) and 943.361, F.S., relating to
280 disposition and sentencing, alternatives, and
281 restitution; and statewide criminal analysis
282 laboratory system and funding through fine surcharges,
283 respectively, to incorporate the amendment made to s.
284 938.055, F.S., in references thereto; reenacting s.
285 16.555(4)(b) and (5)(b), F.S., relating to the Crime
286 Stoppers Trust Fund and rulemaking, to incorporate the
287 amendment made to s. 938.06, F.S., in references
288 thereto; reenacting s. 741.01(2), F.S., relating to
289 county court judge or clerk of the circuit court to
290 issue marriage license and fee, to incorporate the

6-01030A-21

20211926__

291 amendment made to s. 938.08, F.S., in a reference
292 thereto; reenacting s. 794.055(3)(b), F.S., relating
293 to access to services for victims of sexual battery,
294 to incorporate the amendment made to s. 938.085, F.S.,
295 in a reference thereto; reenacting ss. 39.3035(3) and
296 215.22(1)(v), F.S., relating to child advocacy
297 centers, standards, and state funding and certain
298 income and certain trust funds exempt, to incorporate
299 the amendment made to s. 938.10, F.S., in references
300 thereto; reenacting ss. 318.18(11)(c) and (d),
301 318.21(3), 327.73(11)(b), 938.01(2), and 943.25(11),
302 F.S., relating to amount of penalties; disposition of
303 civil penalties by county courts; noncriminal
304 infractions; Additional Court Cost Clearing Trust
305 Fund; and criminal justice trust funds, source of
306 funds, and use of funds, respectively, to incorporate
307 the amendment made to s. 938.15, F.S., in references
308 thereto; reenacting ss. 893.165(1), (2), and (3)(a)
309 and 921.187(1)(1), F.S., relating to county alcohol
310 and other drug abuse treatment or education trust
311 funds and disposition and sentencing, alternatives,
312 and restitution, respectively, to incorporate the
313 amendment made to s. 938.23, F.S., in references
314 thereto; reenacting ss. 27.562, 27.702(3)(b),
315 28.246(6), 39.0134(1) and (2)(b), 55.03(3), 938.30(9),
316 and 947.18, F.S., relating to disposition of funds;
317 duties of the capital collateral regional counsel and
318 reports; payment of court-related fines or other
319 monetary penalties, fees, charges, and costs, partial

6-01030A-21

20211926__

320 payments, and distribution of funds; appointed counsel
321 and compensation; judgments and rate of interest,
322 generally; financial obligations in criminal cases and
323 supplementary proceedings; and conditions of parole,
324 respectively, to incorporate the amendment made to s.
325 938.29, F.S., in references thereto; reenacting s.
326 938.17(1), (2), and (4), F.S., relating to county
327 delinquency prevention and juvenile assessment centers
328 and school board suspension programs, to incorporate
329 the amendment made to s. 939.185, F.S., in references
330 thereto; reenacting ss. 944.4731(2)(b) and (7)(b),
331 947.1405(2), 948.01(6), 948.013(1), 948.06(5), and
332 948.11(5), F.S., relating to Addiction-Recovery
333 Supervision Program; conditional release program; when
334 court may place defendant on probation or into
335 community control; administrative probation; violation
336 of probation or community control, revocation,
337 modification, continuance, and failure to pay
338 restitution or cost of supervision; and electronic
339 monitoring devices, respectively, to incorporate the
340 amendment made to s. 948.09, F.S., in references
341 thereto; reenacting ss. 39.304(5), 624.128, and
342 960.13(6)(c), F.S., relating to photographs, medical
343 examinations, X rays, and medical treatment of abused,
344 abandoned, or neglected child; crime victims
345 exemption; and awards, respectively, to incorporate
346 the amendment made to s. 960.28, F.S., in references
347 thereto; reenacting ss. 984.09(4)(b), 984.226(2),
348 985.037(4)(b), and 985.511, F.S., relating to

6-01030A-21

20211926__

349 punishment for contempt of court and alternative
350 sanctions; physically secure setting; punishment for
351 contempt of court and alternative sanctions; and costs
352 of representation, respectively, to incorporate the
353 amendment made to s. 985.033, F.S., in references
354 thereto; reenacting ss. 943.051(3)(b) and
355 985.11(1)(b), F.S., relating to criminal justice
356 information, collection and storage, and
357 fingerprinting and fingerprinting and photographing,
358 respectively, to incorporate the amendment made to s.
359 985.12, F.S., in references thereto; reenacting s.
360 943.0582(2)(a), F.S., relating to diversion program
361 expunction, to incorporate the amendments made to ss.
362 985.12 and 985.155, F.S., in references thereto;
363 reenacting ss. 790.115(4) and 985.64(2), F.S.,
364 relating to possessing or discharging weapons or
365 firearms at a school-sponsored event or on school
366 property prohibited, penalties, and exceptions and
367 rulemaking, respectively, to incorporate the amendment
368 made to s. 985.18, F.S., in references thereto;
369 providing an effective date.

370

371 Be It Enacted by the Legislature of the State of Florida:

372

373 Section 1. This act may be cited as the "Debt Free Justice
374 for Children Act."

375 Section 2. Subsections (1) and (6) of section 27.52,
376 Florida Statutes, are amended, and paragraphs (a), (c), (d), and
377 (i) of subsection (5) are reenacted, to read:

6-01030A-21

20211926__

378 27.52 Determination of indigent status.—

379 (1) APPLICATION TO THE CLERK.—A person, other than a child
380 as defined in s. 985.03, including a child who is found to be
381 dependent as defined in s. 39.01, or the child's parents or
382 legal guardian, or a young adult eligible for continuing care
383 pursuant to s. 39.6251, seeking appointment of a public defender
384 under s. 27.51 based upon an inability to pay must apply to the
385 clerk of the court for a determination of indigent status using
386 an application form developed by the Florida Clerks of Court
387 Operations Corporation with final approval by the Supreme Court.

388 (a) The application must include, at a minimum, the
389 following financial information:

390 1. Net income, consisting of total salary and wages, minus
391 deductions required by law, including court-ordered support
392 payments.

393 2. Other income, including, but not limited to, social
394 security benefits, union funds, veterans' benefits, workers'
395 compensation, other regular support from absent family members,
396 public or private employee pensions, reemployment assistance or
397 unemployment compensation, dividends, interest, rent, trusts,
398 and gifts.

399 3. Assets, including, but not limited to, cash, savings
400 accounts, bank accounts, stocks, bonds, certificates of deposit,
401 equity in real estate, and equity in a boat or a motor vehicle
402 or in other tangible property.

403 4. All liabilities and debts.

404 5. If applicable, the amount of any bail paid for the
405 applicant's release from incarceration and the source of the
406 funds.

6-01030A-21

20211926__

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408 The application must include a signature by the applicant which
409 attests to the truthfulness of the information provided. The
410 application form developed by the corporation must include
411 notice that the applicant may seek court review of a clerk's
412 determination that the applicant is not indigent, as provided in
413 this section.

414 (b) An applicant shall pay a \$50 application fee to the
415 clerk for each application for court-appointed counsel filed,
416 unless the applicant is a child as defined in s. 985.03,
417 including a child who is found to be dependent as defined in s.
418 39.01, or the child's parents or legal guardian, or a young
419 adult eligible for continuing care pursuant to s. 39.6251, in
420 which case the application fee is waived and such applicants are
421 automatically granted indigent status. The applicant shall pay
422 the fee within 7 days after submitting the application. If the
423 applicant does not pay the fee before ~~prior to~~ the disposition
424 of the case, the clerk shall notify the court, and the court
425 shall:

426 1. Assess the application fee as part of the sentence or as
427 a condition of probation; or

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

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

435 (d) All application fees collected by the clerk under this

6-01030A-21

20211926__

436 section shall be transferred monthly by the clerk to the
437 Department of Revenue for deposit in the Indigent Criminal
438 Defense Trust Fund administered by the Justice Administrative
439 Commission, to be used as appropriated by the Legislature. The
440 clerk may retain 2 percent of application fees collected monthly
441 for administrative costs from which the clerk shall remit \$0.20
442 from each application fee to the Department of Revenue for
443 deposit into the General Revenue Fund before ~~prior to~~ remitting
444 the remainder to the Department of Revenue for deposit in the
445 Indigent Criminal Defense Trust Fund.

446 (e)1. The clerk shall assist a person who appears before
447 the clerk and requests assistance in completing the application,
448 and the clerk shall notify the court if a person is unable to
449 complete the application after the clerk has provided
450 assistance.

451 2. If the person seeking appointment of a public defender
452 is incarcerated, the public defender is responsible for
453 providing the application to the person and assisting him or her
454 in its completion and is responsible for submitting the
455 application to the clerk on the person's behalf. The public
456 defender may enter into an agreement for jail employees,
457 pretrial services employees, or employees of other criminal
458 justice agencies to assist the public defender in performing
459 functions assigned to the public defender under this
460 subparagraph.

461 (5) INDIGENT FOR COSTS.—A person who is eligible to be
462 represented by a public defender under s. 27.51 but who is
463 represented by private counsel not appointed by the court for a
464 reasonable fee as approved by the court or on a pro bono basis,

6-01030A-21

20211926__

465 or who is proceeding pro se, may move the court for a
466 determination that he or she is indigent for costs and eligible
467 for the provision of due process services, as prescribed by ss.
468 29.006 and 29.007, funded by the state.

469 (a) The person must file a written motion with the court
470 and submit to the court:

471 1. The completed application prescribed in subsection (1).

472 2. In the case of a person represented by counsel, an
473 affidavit attesting to the estimated amount of attorney's fees
474 and the source of payment for these fees.

475 (c) If the person did not apply for a determination of
476 indigent status under subsection (1) in the same case and is not
477 already liable for the application fee required under that
478 subsection, he or she becomes liable for payment of the fee upon
479 filing the motion with the court.

480 (d) In reviewing the motion, the court shall consider:

481 1. Whether the applicant applied for a determination of
482 indigent status under subsection (1) and the outcome of such
483 application.

484 2. The extent to which the person's income equals or
485 exceeds the income criteria prescribed in subsection (2).

486 3. The additional factors prescribed in subsection (4).

487 4. Whether the applicant is proceeding pro se.

488 5. When the applicant retained private counsel.

489 6. The amount of any attorney's fees and who is paying the
490 fees. There is a presumption that the applicant is not indigent
491 for costs if the amount of attorney's fees exceeds \$5,000 for a
492 noncapital case or \$25,000 for a capital case in which the state
493 is seeking the death penalty. To overcome this presumption, the

6-01030A-21

20211926__

494 applicant has the burden to show through clear and convincing
495 evidence that the fees are reasonable based on the nature and
496 complexity of the case. In determining the reasonableness of the
497 fees, the court shall consider the amount that a private court-
498 appointed attorney paid by the state would receive for providing
499 representation for that type of case.

500 (i) A defendant who is found guilty of a criminal act by a
501 court or jury or enters a plea of guilty or nolo contendere and
502 who received due process services after being found indigent for
503 costs under this subsection is liable for payment of due process
504 costs expended by the state.

505 1. The attorney representing the defendant, or the
506 defendant if he or she is proceeding pro se, shall provide an
507 accounting to the court delineating all costs paid or to be paid
508 by the state within 90 days after disposition of the case
509 notwithstanding any appeals.

510 2. The court shall issue an order determining the amount of
511 all costs paid by the state and any costs for which prepayment
512 was waived under this section or s. 57.081. The clerk shall
513 cause a certified copy of the order to be recorded in the
514 official records of the county, at no cost. The recording
515 constitutes a lien against the person in favor of the state in
516 the county in which the order is recorded. The lien may be
517 enforced in the same manner prescribed in s. 938.29.

518 3. If the attorney or the pro se defendant fails to provide
519 a complete accounting of costs expended by the state and
520 consequently costs are omitted from the lien, the attorney or
521 pro se defendant may not receive reimbursement or any other form
522 of direct or indirect payment for those costs if the state has

6-01030A-21

20211926__

523 not paid the costs. The attorney or pro se defendant shall repay
524 the state for those costs if the state has already paid the
525 costs. The clerk of the court may establish a payment plan under
526 s. 28.246 and may charge the attorney or pro se defendant a one-
527 time administrative processing charge under s. 28.24(26)(c).

528 ~~(6) DUTIES OF PARENT OR LEGAL GUARDIAN. A nonindigent~~
529 ~~parent or legal guardian of an applicant who is a minor or an~~
530 ~~adult tax-dependent person shall furnish the minor or adult tax-~~
531 ~~dependent person with the necessary legal services and costs~~
532 ~~incident to a delinquency proceeding or, upon transfer of such~~
533 ~~person for criminal prosecution as an adult pursuant to chapter~~
534 ~~985, a criminal prosecution in which the person has a right to~~
535 ~~legal counsel under the Constitution of the United States or the~~
536 ~~Constitution of the State of Florida. The failure of a parent or~~
537 ~~legal guardian to furnish legal services and costs under this~~
538 ~~section does not bar the appointment of legal counsel pursuant~~
539 ~~to this section, s. 27.40, or s. 27.5303. When the public~~
540 ~~defender, the office of criminal conflict and civil regional~~
541 ~~counsel, a private court-appointed conflict counsel, or a~~
542 ~~private attorney is appointed to represent a minor or an adult~~
543 ~~tax-dependent person in any proceeding in circuit court or in a~~
544 ~~criminal proceeding in any other court, the parents or the legal~~
545 ~~guardian shall be liable for payment of the fees, charges, and~~
546 ~~costs of the representation even if the person is a minor being~~
547 ~~tried as an adult. Liability for the fees, charges, and costs of~~
548 ~~the representation shall be imposed in the form of a lien~~
549 ~~against the property of the nonindigent parents or legal~~
550 ~~guardian of the minor or adult tax-dependent person. The lien is~~
551 ~~enforceable as provided in s. 27.561 or s. 938.29.~~

6-01030A-21

20211926__

552 Section 3. Paragraph (a) of subsection (1) of section
553 318.15, Florida Statutes, is amended, and subsection (4) is
554 added to that section, to read:

555 318.15 Failure to comply with civil penalty or to appear;
556 penalty.—

557 (1) (a) If a person, other than a child as defined in s.
558 985.03, including a child who is found to be dependent as
559 defined in s. 39.01, or a young adult eligible for continuing
560 care pursuant to s. 39.6251, fails to comply with the civil
561 penalties provided in s. 318.18 within the time period specified
562 in s. 318.14(4), fails to enter into or comply with the terms of
563 a penalty payment plan with the clerk of the court in accordance
564 with ss. 318.14 and 28.246, fails to attend driver improvement
565 school, or fails to appear at a scheduled hearing, the clerk of
566 the court shall notify the Department of Highway Safety and
567 Motor Vehicles of such failure within 10 days after such
568 failure. Upon receipt of such notice, the department shall
569 immediately issue an order suspending the driver license and
570 privilege to drive of such person effective 20 days after the
571 date the order of suspension is mailed in accordance with s.
572 322.251(1), (2), and (6). Any such suspension of the driving
573 privilege which has not been reinstated, including a similar
574 suspension imposed outside Florida, shall remain on the records
575 of the department for a period of 7 years from the date imposed
576 and shall be removed from the records after the expiration of 7
577 years from the date it is imposed. The department may not accept
578 the resubmission of such suspension.

579 (4) A child as defined in s. 985.03, including a child who
580 is found to be dependent as defined in s. 39.01, or a young

6-01030A-21

20211926__

581 adult eligible for continuing care pursuant to s. 39.6251 may
582 not be charged any fees under this section, and any such child
583 or young adult who has had his or her driver license suspended
584 solely for nonpayment of any fee under this section shall have
585 his or her driver license immediately and automatically
586 reinstated by the department.

587 Section 4. Subsection (1) of section 322.245, Florida
588 Statutes, is amended, and subsection (6) is added to that
589 section, to read:

590 322.245 Suspension of license upon failure of person
591 charged with specified offense under chapter 316, chapter 320,
592 or this chapter to comply with directives ordered by traffic
593 court or upon failure to pay child support in non-IV-D cases as
594 provided in chapter 61 or failure to pay any financial
595 obligation in any other criminal case.-

596 (1) If a person, other than a child as defined in s.
597 985.03, including a child who is found to be dependent as
598 defined in s. 39.01, or a young adult eligible for continuing
599 care pursuant to s. 39.6251, charged with a violation of any of
600 the criminal offenses enumerated in s. 318.17 or with the
601 commission of any offense constituting a misdemeanor under
602 chapter 320 or this chapter fails to comply with all of the
603 directives of the court within the time allotted by the court,
604 the clerk of the traffic court shall mail to the person, at the
605 address specified on the uniform traffic citation, a notice of
606 such failure, notifying him or her that, if he or she does not
607 comply with the directives of the court within 30 days after the
608 date of the notice and pay a delinquency fee of up to \$25 to the
609 clerk, from which the clerk shall remit \$10 to the Department of

6-01030A-21

20211926__

610 Revenue for deposit into the General Revenue Fund, his or her
611 driver license will be suspended. The notice shall be mailed no
612 later than 5 days after such failure. The delinquency fee may be
613 retained by the office of the clerk to defray the operating
614 costs of the office.

615 (6) A child as defined in s. 985.03, including a child who
616 is found to be dependent as defined in s. 39.01, or a young
617 adult eligible for continuing care pursuant to s. 39.6251 may
618 not be charged any fees under this section, and any such child
619 or young adult who has had his or her driver license suspended
620 solely for nonpayment of any fee under this section shall have
621 his or her driver license immediately and automatically
622 reinstated by the department.

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

625 775.083 Fines.—

626 (1) A person, other than a child as defined in s. 985.03,
627 including a child who is found to be dependent as defined in s.
628 39.01, or a young adult eligible for continuing care pursuant to
629 s. 39.6251, who has been convicted of an offense other than a
630 capital felony may be sentenced to pay a fine in addition to any
631 punishment described in s. 775.082; when specifically authorized
632 by statute, he or she may be sentenced to pay a fine in lieu of
633 any punishment described in s. 775.082. A person who has been
634 convicted of a noncriminal violation may be sentenced to pay a
635 fine. Fines for designated crimes and for noncriminal violations
636 may ~~shall~~ not exceed:

- 637 (a) \$15,000, when the conviction is of a life felony.
638 (b) \$10,000, when the conviction is of a felony of the

6-01030A-21

20211926__

639 first or second degree.

640 (c) \$5,000, when the conviction is of a felony of the third
641 degree.

642 (d) \$1,000, when the conviction is of a misdemeanor of the
643 first degree.

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

646 (f) Any higher amount equal to double the pecuniary gain
647 derived from the offense by the offender or double the pecuniary
648 loss suffered by the victim.

649 (g) Any higher amount specifically authorized by statute.

650

651 Fines imposed in this subsection shall be deposited by the clerk
652 of the court in the fine and forfeiture fund established
653 pursuant to s. 142.01. If a defendant is unable to pay a fine,
654 the court may defer payment of the fine to a date certain. As
655 used in this subsection, the term "convicted" or "conviction"
656 means a determination of guilt which is the result of a trial or
657 the entry of a plea of guilty or nolo contendere, regardless of
658 whether adjudication is withheld.

659 (2) In addition to the fines set forth in subsection (1),
660 court costs shall be assessed and collected in each instance a
661 defendant, other than a child as defined in s. 985.03, including
662 a child who is found to be dependent as defined in s. 39.01, or
663 a young adult eligible for continuing care pursuant to s.
664 39.6251, pleads nolo contendere to, or is convicted of, ~~or~~
665 adjudicated delinquent for, a felony, a misdemeanor, or a
666 criminal traffic offense under state law, or a violation of any
667 municipal or county ordinance if the violation constitutes a

6-01030A-21

20211926__

668 misdemeanor under state law. The court costs imposed by this
669 section shall be \$50 for a felony and \$20 for any other offense
670 and shall be deposited by the clerk of the court into an
671 appropriate county account for disbursement for the purposes
672 provided in this subsection. A county shall account for the
673 funds separately from other county funds as crime prevention
674 funds. The county, in consultation with the sheriff, must expend
675 such funds for crime prevention programs in the county,
676 including safe neighborhood programs under ss. 163.501-163.523.

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

679 938.01 Additional Court Cost Clearing Trust Fund.—

680 (1) All courts created by Art. V of the State Constitution
681 shall, in addition to any fine or other penalty, require every
682 person, other than a child as defined in s. 985.03, including a
683 child who is found to be dependent as defined in s. 39.01, or a
684 young adult eligible for continuing care pursuant to s. 39.6251,
685 convicted for violation of a state penal or criminal statute or
686 convicted for violation of a municipal or county ordinance to
687 pay \$3 as a court cost. Any person, other than a child as
688 defined in s. 985.03, including a child who is found to be
689 dependent as defined in s. 39.01, or a young adult eligible for
690 continuing care pursuant to s. 39.6251, whose adjudication is
691 withheld pursuant to ~~the provisions of~~ s. 318.14(9) or (10)
692 shall also be liable for payment of such cost. In addition, \$3
693 from every bond estreature or forfeited bail bond related to
694 such penal statutes or penal ordinances shall be remitted to the
695 Department of Revenue as described in this subsection. However,
696 no such assessment may be made against any person convicted for

6-01030A-21

20211926__

697 violation of any state statute, municipal ordinance, or county
698 ordinance relating to the parking of vehicles.

699 (a) All costs collected by the courts pursuant to this
700 subsection shall be remitted to the Department of Revenue in
701 accordance with administrative rules adopted by the executive
702 director of the Department of Revenue for deposit in the
703 Additional Court Cost Clearing Trust Fund. These funds and the
704 funds deposited in the Additional Court Cost Clearing Trust Fund
705 pursuant to s. 318.21(2)(c) shall be distributed as follows:

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

708 2. Six and three-tenths percent to the Department of Law
709 Enforcement Operating Trust Fund for the Criminal Justice Grant
710 Program.

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

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

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

719 938.03 Crimes Compensation Trust Fund.—

720 (1) Any person, other than a child as defined in s. 985.03,
721 including a child who is found to be dependent as defined in s.
722 39.01, or a young adult eligible for continuing care pursuant to
723 s. 39.6251, pleading guilty or nolo contendere to, or being
724 convicted of ~~or adjudicated delinquent for,~~ any felony,
725 misdemeanor, ~~delinquent act,~~ or criminal traffic offense under

6-01030A-21

20211926__

726 the laws of this state or the violation of any municipal or
727 county ordinance which adopts by reference any misdemeanor under
728 state law, shall pay as an additional cost in the case, in
729 addition and before ~~prior to~~ any other cost required to be
730 imposed by law, the sum of \$50. Any person, other than a child
731 as defined in s. 985.03, including a child who is found to be
732 dependent as defined in s. 39.01, or a young adult eligible for
733 continuing care pursuant to s. 39.6251, whose adjudication is
734 withheld shall also be assessed such cost.

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

737 938.05 Additional court costs for felonies, misdemeanors,
738 and criminal traffic offenses.—

739 (1) Any person, other than a child as defined in s. 985.03,
740 including a child who is found to be dependent as defined in s.
741 39.01, or a young adult eligible for continuing care pursuant to
742 s. 39.6251, pleading nolo contendere to a misdemeanor or
743 criminal traffic offense under s. 318.14(10)(a) or pleading
744 guilty or nolo contendere to, or being found guilty of, any
745 felony, misdemeanor, or criminal traffic offense under the laws
746 of this state or the violation of any municipal or county
747 ordinance which adopts by reference any misdemeanor under state
748 law, shall pay as a cost in the case, in addition to any other
749 cost required to be imposed by law, a sum in accordance with the
750 following schedule:

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

754 (b) Misdemeanors: \$60, from which the clerk shall remit \$10

6-01030A-21

20211926__

755 to the Department of Revenue for deposit into the General
756 Revenue Fund.

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

760 Section 9. Section 938.055, Florida Statutes, is amended to
761 read:

762 938.055 Operating Trust Fund of the Department of Law
763 Enforcement.—Notwithstanding any other law, the court may assess
764 a defendant, other than a child as defined in s. 985.03,
765 including a child who is found to be dependent as defined in s.
766 39.01, or a young adult eligible for continuing care pursuant to
767 s. 39.6251, who pleads guilty or nolo contendere to, or is
768 convicted of, a violation of any provision of chapters 775-896,
769 without regard to whether adjudication was withheld, in addition
770 to any fine and other penalty provided or authorized by law, an
771 amount of \$100, to be paid to the clerk of the court, who shall
772 forward it to the Department of Revenue for deposit in the
773 Operating Trust Fund of the Department of Law Enforcement to be
774 used by the statewide criminal analysis laboratory system for
775 the purposes specified in s. 943.361. This amount shall be
776 assessed if the services of a local county-operated crime
777 laboratory enumerated in s. 943.35(1) are used in connection
778 with the investigation or prosecution of a violation of any
779 provision of chapters 775-896.

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

782 938.06 Cost for crime stoppers programs.—

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

6-01030A-21

20211926__

784 person, other than a child as defined in s. 985.03, including a
785 child who is found to be dependent as defined in s. 39.01, or a
786 young adult eligible for continuing care pursuant to s. 39.6251,
787 is convicted of any criminal offense, the county or circuit
788 court shall assess a court cost of \$20.

789 Section 11. Section 938.08, Florida Statutes, is amended to
790 read:

791 938.08 Additional cost to fund programs in domestic
792 violence.—In addition to any sanction imposed upon a person,
793 other than a child as defined in s. 985.03, including a child
794 who is found to be dependent as defined in s. 39.01, or a young
795 adult eligible for continuing care pursuant to s. 39.6251, for a
796 violation of s. 784.011, s. 784.021, s. 784.03, s. 784.041, s.
797 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s.
798 784.082, s. 784.083, s. 784.085, s. 794.011, or for any offense
799 of domestic violence described in s. 741.28, the court shall
800 impose a surcharge of \$201. Payment of the surcharge shall be a
801 condition of probation, community control, or any other court-
802 ordered supervision. The sum of \$85 of the surcharge shall be
803 deposited into the Domestic Violence Trust Fund established in
804 s. 741.01. The clerk of the court shall retain \$1 of each
805 surcharge that the clerk of the court collects as a service
806 charge of the clerk's office. The remainder of the surcharge
807 shall be provided to the governing board of the county and must
808 be used only to defray the costs of incarcerating persons
809 sentenced under s. 741.283 and provide additional training to
810 law enforcement personnel in combating domestic violence.

811 Section 12. Section 938.085, Florida Statutes, is amended
812 to read:

6-01030A-21

20211926__

813 938.085 Additional cost to fund rape crisis centers.—In
814 addition to any sanction imposed when a person, other than a
815 child as defined in s. 985.03, including a child who is found to
816 be dependent as defined in s. 39.01, or a young adult eligible
817 for continuing care pursuant to s. 39.6251, pleads guilty or
818 nolo contendere to, or is found guilty of, regardless of
819 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
820 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
821 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
822 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
823 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
824 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
825 796.07(2) (a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
826 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
827 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
828 847.0145; s. 943.0435(4) (c), (7), (8), (9) (a), (13), and
829 (14) (c); or s. 985.701(1), the court shall impose a surcharge of
830 \$151. Payment of the surcharge shall be a condition of
831 probation, community control, or any other court-ordered
832 supervision. The sum of \$150 of the surcharge shall be deposited
833 into the Rape Crisis Program Trust Fund established within the
834 Department of Health by chapter 2003-140, Laws of Florida. The
835 clerk of the court shall retain \$1 of each surcharge that the
836 clerk of the court collects as a service charge of the clerk's
837 office.

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

840 938.10 Additional court cost imposed in cases of certain
841 crimes.—

6-01030A-21

20211926__

842 (1) If a person, other than a child as defined in s.
843 985.03, including a child who is found to be dependent as
844 defined in s. 39.01, or a young adult eligible for continuing
845 care pursuant to s. 39.6251, pleads guilty or nolo contendere
846 to, or is found guilty of, regardless of adjudication, any
847 offense against a minor in violation of s. 784.085, chapter 787,
848 chapter 794, former s. 796.03, former s. 796.035, s. 800.04,
849 chapter 827, s. 847.012, s. 847.0133, s. 847.0135(5), s.
850 847.0138, s. 847.0145, s. 893.147(3), or s. 985.701, or any
851 offense in violation of s. 775.21, s. 823.07, s. 847.0125, s.
852 847.0134, or s. 943.0435, the court shall impose a court cost of
853 \$151 against the offender in addition to any other cost or
854 penalty required by law.

855 Section 14. Paragraph (a) of subsection (1) of section
856 938.13, Florida Statutes, is amended to read:

857 938.13 Misdemeanor convictions involving drugs or alcohol.—

858 (1) (a) When any person, other than a child as defined in s.
859 985.03, including a child who is found to be dependent as
860 defined in s. 39.01, or a young adult eligible for continuing
861 care pursuant to s. 39.6251, on or after October 1, 1988, is
862 found guilty of any misdemeanor under the laws of this state in
863 which the unlawful use of drugs or alcohol is involved, there
864 shall be imposed an additional cost in the case, in addition to
865 any other cost required to be imposed by law, in the sum of \$15.
866 Under no condition shall a political subdivision be held liable
867 for the payment of such sum.

868 Section 15. Section 938.15, Florida Statutes, is amended to
869 read:

870 938.15 Criminal justice education for local government.—In

6-01030A-21

20211926__

871 addition to the costs provided for in s. 938.01, municipalities
872 and counties may assess upon a person, other than a child as
873 defined in s. 985.03, including a child who is found to be
874 dependent as defined in s. 39.01, or a young adult eligible for
875 continuing care pursuant to s. 39.6251, an additional \$2 for
876 expenditures for criminal justice education degree programs and
877 training courses, including basic recruit training, for their
878 respective officers and employing agency support personnel,
879 provided such education degree programs and training courses are
880 approved by the employing agency administrator, on a form
881 provided by the Criminal Justice Standards and Training
882 Commission, for local funding.

883 (1) Workshops, meetings, conferences, and conventions
884 shall, on a form approved by the Criminal Justice Standards and
885 Training Commission for use by the employing agency, be
886 individually approved by the employing agency administrator
887 before ~~prior to~~ attendance. The form shall include, but not be
888 limited to, a demonstration by the employing agency of the
889 purpose of the workshop, meeting, conference, or convention; the
890 direct relationship of the training to the officer's job; the
891 direct benefits the officer and agency will receive; and all
892 anticipated costs.

893 (2) The Criminal Justice Standards and Training Commission
894 may inspect and copy the documentation of independent audits
895 conducted of the municipalities and counties which make such
896 assessments to ensure that such assessments have been made and
897 that expenditures are in conformance with the requirements of
898 this subsection and with other applicable procedures.

899 Section 16. Subsections (1) and (2) of section 938.19,

6-01030A-21

20211926__

900 Florida Statutes, are amended, and subsection (7) of that
901 section is reenacted, to read:

902 938.19 Teen courts.—

903 (1) Notwithstanding s. 318.121, in each county in which a
904 teen court has been created, the board of county commissioners
905 may adopt a ~~mandatory~~ court cost to be assessed upon persons,
906 other than a child as defined in s. 985.03, including a child
907 who is found to be dependent as defined in s. 39.01, or a young
908 adult eligible for continuing care pursuant to s. 39.6251, in
909 specific cases by incorporating by reference ~~the provisions of~~
910 this section in a county ordinance. Assessments collected by the
911 clerk of the circuit court under this section shall be deposited
912 into an account specifically for the operation and
913 administration of the teen court.

914 (2) A sum of up to \$3 shall be assessed as a court cost in
915 the circuit and county court in the county against each person,
916 other than a child as defined in s. 985.03, including a child
917 who is found to be dependent as defined in s. 39.01, or a young
918 adult eligible for continuing care pursuant to s. 39.6251, who
919 pleads guilty or nolo contendere to, or is convicted of,
920 regardless of adjudication, ~~or adjudicated delinquent for a~~
921 violation of a criminal law, ~~a delinquent act,~~ or a municipal or
922 county ordinance, or who pays a fine or civil penalty for any
923 violation of chapter 316. Any person, other than a child as
924 defined in s. 985.03, including a child who is found to be
925 dependent as defined in s. 39.01, or a young adult eligible for
926 continuing care pursuant to s. 39.6251, whose adjudication is
927 withheld under s. 318.14(9) or (10) shall also be assessed the
928 cost.

6-01030A-21

20211926__

929 (7) A teen court administered in a county that adopts an
930 ordinance to assess court costs under this section may not
931 receive court costs collected under s. 939.185(1)(a)4.

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

934 938.23 Assistance grants for alcohol and other drug abuse
935 programs.—

936 (1) In addition to any fine imposed by law for any criminal
937 offense upon a person, other than a child as defined in s.
938 985.03, including a child who is found to be dependent as
939 defined in s. 39.01, or a young adult eligible for continuing
940 care pursuant to s. 39.6251, under chapter 893 or for any
941 criminal violation of s. 316.193, s. 856.011, s. 856.015, or
942 chapter 562, chapter 567, or chapter 568, the court ~~is shall be~~
943 authorized, pursuant to the requirements of s. 938.21, to impose
944 an additional assessment in an amount up to the amount of the
945 fine authorized for the offense. Such additional assessments
946 shall be deposited for the purpose of providing assistance
947 grants to drug abuse treatment or alcohol treatment or education
948 programs as provided in s. 893.165.

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

951 938.27 Judgment for costs of prosecution and
952 investigation.—

953 (1) In all criminal and violation-of-probation or
954 community-control cases, convicted persons, other than a child
955 as defined in s. 985.03, including a child who is found to be
956 dependent as defined in s. 39.01, or the child's parents or
957 legal guardian, or a young adult eligible for continuing care

6-01030A-21

20211926__

958 pursuant to s. 39.6251, are liable for payment of the costs of
959 prosecution, including investigative costs incurred by law
960 enforcement agencies, by fire departments for arson
961 investigations, and by investigations of the Department of
962 Financial Services or the Office of Financial Regulation of the
963 Financial Services Commission, if requested by such agencies.
964 The court shall include these costs in every judgment rendered
965 against the convicted person. For purposes of this section,
966 "convicted" means a determination of guilt, or of violation of
967 probation or community control, which is a result of a plea,
968 trial, or violation proceeding, regardless of whether
969 adjudication is withheld.

970 (3) If a defendant, other than a child as defined in s.
971 985.03, including a child who is found to be dependent as
972 defined in s. 39.01, or a young adult eligible for continuing
973 care pursuant to s. 39.6251, is placed on probation or community
974 control, payment of any costs under this section shall be a
975 condition of such probation or community control. The court may
976 revoke probation or community control if the defendant fails to
977 pay these costs.

978 Section 19. Section 938.29, Florida Statutes, is amended to
979 read:

980 938.29 Legal assistance; lien for payment of attorney
981 attorney's fees or costs.-

982 (1) (a) A defendant, other than a child as defined in s.
983 985.03, including a child who is found to be dependent as
984 defined in s. 39.01, or a young adult eligible for continuing
985 care pursuant to s. 39.6251, who is convicted of a criminal act
986 or a violation of probation or community control and who has

6-01030A-21

20211926__

987 received the assistance of the public defender's office, a
988 special assistant public defender, the office of criminal
989 conflict and civil regional counsel, or a private conflict
990 attorney, or who has received due process services after being
991 found indigent for costs under s. 27.52, shall be liable for
992 payment of the assessed application fee under s. 27.52 and
993 attorney ~~attorney's~~ fees and costs. Attorney ~~Attorney's~~ fees and
994 costs shall be set in all cases at no less than \$50 per case
995 when a misdemeanor or criminal traffic offense is charged and no
996 less than \$100 per case when a felony offense is charged,
997 including a proceeding in which the underlying offense is a
998 violation of probation or community control. The court may set a
999 higher amount upon a showing of sufficient proof of higher fees
1000 or costs incurred. For purposes of this section, "convicted"
1001 means a determination of guilt, or of violation of probation or
1002 community control, which is a result of a plea, trial, or
1003 violation proceeding, regardless of whether adjudication is
1004 withheld. The court shall include these fees and costs in every
1005 judgment rendered against the convicted person.

1006 (b) Upon entering a judgment of conviction, the defendant
1007 shall be liable to pay the attorney ~~attorney's~~ fees and costs in
1008 full after the judgment of conviction becomes final. The court
1009 shall impose the attorney ~~attorney's~~ fees and costs
1010 notwithstanding the defendant's present ability to pay.

1011 (c) The defendant shall pay the application fee under s.
1012 27.52(1)(b) and attorney ~~attorney's~~ fees and costs in full or in
1013 installments, at the time or times specified. The court may
1014 order payment of the assessed application fee and attorney
1015 ~~attorney's~~ fees and costs as a condition of probation, of

6-01030A-21

20211926__

1016 suspension of sentence, or of withholding the imposition of
1017 sentence. All funds collected under this section shall be
1018 distributed as provided in s. 27.562.

1019 (2) (a) There is created in the name of the state a lien,
1020 enforceable as hereinafter provided, upon all the property, both
1021 real and personal, of any person who:

1022 ~~1. has received any assistance from any public defender of~~
1023 ~~the state, from any special assistant public defender, from any~~
1024 ~~office of criminal conflict and civil regional counsel, or from~~
1025 ~~any private conflict attorney, or who has received due process~~
1026 ~~services after being found indigent for costs; or~~

1027 ~~2. Is a parent of an accused minor or an accused adult tax-~~
1028 ~~dependent person who is being, or has been, represented by any~~
1029 ~~public defender of the state, by any special assistant public~~
1030 ~~defender, by any office of criminal conflict and civil regional~~
1031 ~~counsel, or by a private conflict attorney, or who is receiving~~
1032 ~~or has received due process services after being found indigent~~
1033 ~~for costs.~~

1034
1035 Such lien constitutes a claim against the defendant-recipient ~~or~~
1036 ~~parent~~ and his or her estate, enforceable according to law.

1037 (b) A judgment showing the name and residence of the
1038 defendant-recipient ~~or parent~~ shall be recorded in the public
1039 record, without cost, by the clerk of the circuit court in the
1040 county where the defendant-recipient ~~or parent~~ resides and in
1041 each county in which such defendant-recipient ~~or parent~~ then
1042 owns or later acquires any property. Such judgments shall be
1043 enforced on behalf of the state by the clerk of the circuit
1044 court of the county in which assistance was rendered. ~~The lien~~

6-01030A-21

20211926__

1045 ~~against a parent shall remain in force notwithstanding the child~~
1046 ~~becoming emancipated or the child reaching the age of majority.~~

1047 (3) The clerk of the circuit court within the county
1048 wherein the defendant-recipient was tried or received the
1049 services of a public defender, special assistant public
1050 defender, office of criminal conflict and civil regional
1051 counsel, or appointed private legal counsel, or received due
1052 process services after being found indigent for costs, shall
1053 enforce, satisfy, compromise, settle, subordinate, release, or
1054 otherwise dispose of any debt or lien imposed under this
1055 section. A defendant-recipient ~~or parent~~, liable to pay attorney
1056 attorney's fees or costs and who is not in willful default in
1057 the payment thereof, may, at any time, petition the court which
1058 entered the order for deferral of the payment of attorney
1059 attorney's fees or costs or of any unpaid portion thereof.

1060 (4) No lien thus created shall be foreclosed upon the
1061 homestead of such defendant-recipient ~~or parent~~, nor shall any
1062 defendant-recipient ~~or parent~~ liable for payment of attorney
1063 attorney's fees or costs be denied any of the protections
1064 afforded any other civil judgment debtor.

1065 (5) The court having jurisdiction of the defendant-
1066 recipient shall, at such stage of the proceedings as the court
1067 may deem appropriate, determine the value of the services of the
1068 public defender, special assistant public defender, office of
1069 criminal conflict and civil regional counsel, or appointed
1070 private legal counsel and costs, at which time the defendant-
1071 recipient ~~or parent~~, after adequate notice thereof, shall have
1072 opportunity to be heard and offer objection to the
1073 determination, and to be represented by counsel, with due

6-01030A-21

20211926__

1074 opportunity to exercise and be accorded the procedures and
1075 rights provided in the laws and court rules pertaining to civil
1076 cases at law.

1077 (6) A defendant who is a child as defined in s. 985.03,
1078 including a child who is found to be dependent as defined in s.
1079 39.01, or the child's parents or legal guardian, or a young
1080 adult eligible for continuing care pursuant to s. 39.6251 may
1081 not be required to reimburse the costs or pay the fees for the
1082 services of a public defender, of a special assistant public
1083 defender, of the office of criminal conflict and civil regional
1084 counsel, or of appointed private legal counsel or for received
1085 due process services, nor shall any such child, parent or legal
1086 guardian of such child, or young adult be required to pay the
1087 application fee pursuant to s. 27.52.

1088 Section 20. Paragraphs (a) and (b) of subsection (1) and
1089 subsection (2) of section 939.185, Florida Statutes, are amended
1090 to read:

1091 939.185 Assessment of additional court costs and
1092 surcharges.—

1093 (1) (a) The board of county commissioners may adopt by
1094 ordinance an additional court cost, not to exceed \$65, to be
1095 imposed by the court when a person, other than a child as
1096 defined in s. 985.03, including a child who is found to be
1097 dependent as defined in s. 39.01, or a young adult eligible for
1098 continuing care pursuant to s. 39.6251, pleads guilty or nolo
1099 contendere to, or is found guilty of, ~~or adjudicated delinquent~~
1100 ~~for,~~ any felony, misdemeanor, ~~delinquent act,~~ or criminal
1101 traffic offense under the laws of this state. Such additional
1102 assessment shall be accounted for separately by the county in

6-01030A-21

20211926__

1103 which the offense occurred and be used only in the county
1104 imposing this cost, to be allocated as follows:

1105 1. Twenty-five percent of the amount collected shall be
1106 allocated to fund innovations, as determined by the chief judge
1107 of the circuit, to supplement state funding for the elements of
1108 the state courts system identified in s. 29.004 and county
1109 funding for local requirements under s. 29.008(2)(a)2.

1110 2. Twenty-five percent of the amount collected shall be
1111 allocated to assist counties in providing legal aid programs
1112 required under s. 29.008(3)(a).

1113 3. Twenty-five percent of the amount collected shall be
1114 allocated to fund personnel and legal materials for the public
1115 as part of a law library.

1116 4. Twenty-five percent of the amount collected shall be
1117 used as determined by the board of county commissioners to
1118 support teen court programs, except as provided in s. 938.19(7),
1119 juvenile assessment centers, and other juvenile alternative
1120 programs.

1121
1122 Each county receiving funds under this section shall report the
1123 amount of funds collected pursuant to this section and an
1124 itemized list of expenditures for all authorized programs and
1125 activities. The report shall be submitted in a format developed
1126 by the Supreme Court to the Governor, the Chief Financial
1127 Officer, the President of the Senate, and the Speaker of the
1128 House of Representatives on a quarterly basis beginning with the
1129 quarter ending September 30, 2004. Quarterly reports shall be
1130 submitted no later than 30 days after the end of the quarter.
1131 Any unspent funds at the close of the county fiscal year

6-01030A-21

20211926__

1132 allocated under subparagraphs 2., 3., and 4., shall be
1133 transferred for use pursuant to subparagraph 1.

1134 (b) In addition to the court costs imposed under paragraph
1135 (a) and any other cost, fine, or penalty imposed by law, any
1136 unit of local government which is consolidated as provided by s.
1137 9, Art. VIII of the State Constitution of 1885, as preserved by
1138 s. 6(e), Art. VIII of the State Constitution of 1968, and which
1139 is granted the authority in the State Constitution to exercise
1140 all the powers of a municipal corporation, and any unit of local
1141 government operating under a home rule charter adopted pursuant
1142 to ss. 10, 11, and 24, Art. VIII of the State Constitution of
1143 1885, as preserved by s. 6(e), Art. VIII of the State
1144 Constitution of 1968, which is granted the authority in the
1145 State Constitution to exercise all the powers conferred now or
1146 hereafter by general law upon municipalities, may impose by
1147 ordinance a surcharge in the amount of \$85 to be imposed by the
1148 court when a person, other than a child as defined in s. 985.03,
1149 including a child who is found to be dependent as defined in s.
1150 39.01, or a young adult eligible for continuing care pursuant to
1151 s. 39.6251, pleads guilty or nolo contendere to, or is found
1152 guilty of, ~~or adjudicated delinquent for,~~ any felony,
1153 misdemeanor, ~~delinquent act,~~ or criminal traffic offense under
1154 the laws of this state. Revenue from the surcharge shall be
1155 transferred to such unit of local government for the purpose of
1156 replacing fine revenue deposited into the clerk's fine and
1157 forfeiture fund under s. 142.01. Proceeds from the imposition of
1158 the surcharge authorized in this paragraph may ~~shall~~ not be used
1159 for the purpose of securing payment of the principal and
1160 interest on bonds.

6-01030A-21

20211926__

1161 (2) The court shall order a person, other than a child as
1162 defined in s. 985.03, including a child who is found to be
1163 dependent as defined in s. 39.01, or a young adult eligible for
1164 continuing care pursuant to s. 39.6251, to pay the additional
1165 court cost. If the person is determined to be indigent, the
1166 clerk shall defer payment of this cost.

1167 Section 21. Subsection (1) of section 943.0515, Florida
1168 Statutes, is amended to read:

1169 943.0515 Retention of criminal history records of minors.—

1170 (1) (a) The Criminal Justice Information Program shall
1171 retain the criminal history record of a minor who is classified
1172 as a serious or habitual juvenile offender or committed to a
1173 juvenile correctional facility or juvenile prison under chapter
1174 985 for 5 years after the date the offender reaches 21 years of
1175 age, at which time the record shall be expunged unless it meets
1176 the criteria of paragraph (2) (a) or paragraph (2) (b).

1177 (b)1. If the minor is not classified as a serious or
1178 habitual juvenile offender or committed to a juvenile
1179 correctional facility or juvenile prison under chapter 985, the
1180 program shall retain the minor's criminal history record for 2
1181 years after the date the minor reaches 19 years of age, at which
1182 time the record shall be expunged unless it meets the criteria
1183 of paragraph (2) (a) or paragraph (2) (b).

1184 2. A minor described in subparagraph 1. may apply to the
1185 department to have his or her criminal history record expunged
1186 before the minor reaches 21 years of age. To be eligible for
1187 expunction under this subparagraph, the minor must be 18 years
1188 of age or older and less than 21 years of age and have not been
1189 charged by the state attorney with or found to have committed

6-01030A-21

20211926__

1190 any criminal offense within the 5-year period before the
1191 application date. The only offenses eligible to be expunged
1192 under this subparagraph are those that the minor committed
1193 before the minor reached 18 years of age. A criminal history
1194 record expunged under this subparagraph requires the approval of
1195 the state attorney for each circuit in which an offense
1196 specified in the criminal history record occurred. A minor
1197 seeking to expunge a criminal history record under this
1198 subparagraph shall apply to the department for expunction in the
1199 manner prescribed by rule. An application for expunction under
1200 this subparagraph shall include:

1201 ~~a. A processing fee of \$75 to the department for placement~~
1202 ~~in the Department of Law Enforcement Operating Trust Fund,~~
1203 ~~unless such fee is waived by the executive director.~~

1204 ~~a.b.~~ A full set of fingerprints of the applicant taken by a
1205 law enforcement agency for purposes of identity verification.

1206 ~~b.e.~~ A sworn, written statement from the minor seeking
1207 relief that he or she is no longer under court supervision
1208 applicable to the disposition of the arrest or alleged criminal
1209 activity to which the application to expunge pertains and that
1210 he or she has not been charged with or found to have committed a
1211 criminal offense, in any jurisdiction of the state or within the
1212 United States, within the 5-year period before the application
1213 date. A person who knowingly provides false information on the
1214 sworn statement required by this sub-subparagraph commits a
1215 misdemeanor of the first degree, punishable as provided in s.
1216 775.082 or s. 775.083.

1217 3. A minor who applies, but who is not approved for early
1218 expunction in accordance with subparagraph 2., shall have his or

6-01030A-21

20211926__

1219 her criminal history record expunged at age 21 if eligible under
1220 subparagraph 1.

1221 Section 22. Subsections (1) and (2) of section 948.09,
1222 Florida Statutes, are amended, and subsection (7) is added to
1223 that section, to read:

1224 948.09 Payment for cost of supervision and other monetary
1225 obligations.—

1226 (1) (a) 1. Any person, other than a child as defined in s.
1227 985.03, including a child who is found to be dependent as
1228 defined in s. 39.01, or a young adult eligible for continuing
1229 care pursuant to s. 39.6251, ordered by the court, the
1230 Department of Corrections, or the Florida Commission on Offender
1231 Review to be placed under supervision under this chapter,
1232 chapter 944, chapter 945, chapter 947, or chapter 958, or in a
1233 pretrial intervention program, must, as a condition of any
1234 placement, pay the department a total sum of money equal to the
1235 total month or portion of a month of supervision times the
1236 court-ordered amount, but not to exceed the actual per diem cost
1237 of the supervision. The department shall adopt rules by which an
1238 offender who pays in full and in advance of regular termination
1239 of supervision may receive a reduction in the amount due. The
1240 rules shall incorporate provisions by which the offender's
1241 ability to pay is linked to an established written payment plan.
1242 Funds collected from felony offenders may be used to offset
1243 costs of the Department of Corrections associated with community
1244 supervision programs, subject to appropriation by the
1245 Legislature.

1246 2. In addition to any other contribution or surcharge
1247 imposed by this section, each felony offender assessed under

6-01030A-21

20211926__

1248 this paragraph shall pay a \$2-per-month surcharge to the
1249 department. The surcharge shall be deemed to be paid only after
1250 the full amount of any monthly payment required by the
1251 established written payment plan has been collected by the
1252 department. These funds shall be used by the department to pay
1253 for correctional probation officers' training and equipment,
1254 including radios, and firearms training, firearms, and attendant
1255 equipment necessary to train and equip officers who choose to
1256 carry a concealed firearm while on duty. This subparagraph does
1257 not limit the department's authority to determine who shall be
1258 authorized to carry a concealed firearm while on duty, or limit
1259 the right of a correctional probation officer to carry a
1260 personal firearm approved by the department.

1261 (b) Any person, other than a child as defined in s. 985.03,
1262 including a child who is found to be dependent as defined in s.
1263 39.01, or a young adult eligible for continuing care pursuant to
1264 s. 39.6251, placed on misdemeanor probation by a county court
1265 must contribute not less than \$40 per month, as decided by the
1266 sentencing court, to the court-approved public or private entity
1267 providing misdemeanor supervision.

1268 (2) Any person, other than a child as defined in s. 985.03,
1269 including a child who is found to be dependent as defined in s.
1270 39.01, or a young adult eligible for continuing care pursuant to
1271 s. 39.6251, being electronically monitored by the department as
1272 a result of being placed on supervision shall pay the department
1273 for electronic monitoring services at a rate that may not exceed
1274 the full cost of the monitoring service in addition to the cost
1275 of supervision as directed by the sentencing court. The funds
1276 collected under this subsection shall be deposited in the

6-01030A-21

20211926__

1277 General Revenue Fund. The department may exempt a person from
1278 paying all or any part of the costs of the electronic monitoring
1279 service if it finds that any of the factors listed in subsection
1280 (3) exist.

1281 (7) A child as defined in s. 985.03, including a child who
1282 is found to be dependent as defined in s. 39.01, or the child's
1283 parents or legal guardian, or a young adult eligible for
1284 continuing care pursuant to s. 39.6251 may not be required to
1285 reimburse the costs or pay the fees for the supervision or
1286 monitoring services provided for under this section.

1287 Section 23. Subsection (5) of section 960.28, Florida
1288 Statutes, is amended to read:

1289 960.28 Payment for victims' initial forensic physical
1290 examinations.-

1291 (5) A defendant, other than a child as defined in s.
1292 985.03, including a child who is found to be dependent as
1293 defined in s. 39.01, or a young adult eligible for continuing
1294 care pursuant to s. 39.6251, ~~or juvenile offender~~ who pleads
1295 guilty or nolo contendere to, or is convicted of ~~or adjudicated~~
1296 ~~delinquent for~~, a violation of chapter 794 or chapter 800 shall
1297 be ordered by the court to make restitution to the Crimes
1298 Compensation Trust Fund in an amount equal to the compensation
1299 paid to the medical provider by the Crime Victims' Services
1300 Office for the cost of the initial forensic physical
1301 examination. The order may be enforced by the department in the
1302 same manner as a judgment in a civil action.

1303 Section 24. Section 985.032, Florida Statutes, is amended
1304 to read:

1305 985.032 Legal representation for delinquency cases.-

6-01030A-21

20211926__

1306 (1) For cases arising under this chapter, the state
1307 attorney shall represent the state.

1308 (2) A juvenile who has been adjudicated delinquent or has
1309 adjudication of delinquency withheld may not ~~shall~~ be assessed
1310 costs of prosecution ~~as provided in s. 938.27.~~

1311 (3) A juvenile who has been adjudicated delinquent or has
1312 adjudication of delinquency withheld may not be assessed the
1313 costs for any probation or diversion services.

1314 Section 25. Section 985.033, Florida Statutes, is amended
1315 to read:

1316 985.033 Right to counsel.—

1317 (1) A child is entitled to representation by legal counsel
1318 at all stages of any delinquency court proceedings under this
1319 chapter. If the child and the parents or other legal guardian do
1320 not are indigent and unable to employ counsel for the child, the
1321 court shall appoint counsel under s. 27.52. ~~Determination of~~
1322 ~~indigence and costs of representation shall be as provided by~~
1323 ~~ss. 27.52 and 938.29.~~ Legal counsel representing a child who
1324 exercises the right to counsel shall be allowed to provide
1325 advice and counsel to the child at any time subsequent to the
1326 child's arrest, including before ~~prior to~~ a detention hearing
1327 while in secure detention care. A child shall be represented by
1328 legal counsel at all stages of all court proceedings ~~unless the~~
1329 ~~right to counsel is freely, knowingly, and intelligently waived~~
1330 by the child. Representation may not be waived by the child or
1331 the child's parents or legal guardian. If the child appears
1332 without counsel, the court shall advise the child of his or her
1333 rights with respect to representation of court-appointed
1334 counsel.

6-01030A-21

20211926__

1335 (2) This section does not apply to transfer proceedings
1336 under s. 985.441(4), unless the court sets a hearing to review
1337 the transfer.

1338 (3) If the parents or legal guardian of an indigent child
1339 are not indigent but refuse to employ counsel, the court shall
1340 appoint counsel pursuant to s. 27.52 to represent the child at
1341 the detention hearing and until counsel is provided.

1342 (4) If the court appoints counsel under s. 27.52 for a
1343 child as defined in s. 985.03, including a child who is found to
1344 be dependent as defined in s. 39.01, or a young adult eligible
1345 for continuing care pursuant to s. 39.6251, the child, the
1346 child's parents or legal guardian, or the young adult may not be
1347 required to pay the fees, costs, or expenses of the appointed
1348 counsel or the application fee for an indigency determination
1349 under s. 27.52 ~~Costs of representation are hereby imposed as~~
1350 ~~provided by ss. 27.52 and 938.29. Thereafter, the court shall~~
1351 ~~not appoint counsel for an indigent child with nonindigent~~
1352 ~~parents or legal guardian but shall order the parents or legal~~
1353 ~~guardian to obtain private counsel. A parent or legal guardian~~
1354 ~~of an indigent child who has been ordered to obtain private~~
1355 ~~counsel for the child and who willfully fails to follow the~~
1356 ~~court order shall be punished by the court in civil contempt~~
1357 ~~proceedings.~~

1358 ~~(4) An indigent child with nonindigent parents or legal~~
1359 ~~guardian may have counsel appointed pursuant to s. 27.52 if the~~
1360 ~~parents or legal guardian have willfully refused to obey the~~
1361 ~~court order to obtain counsel for the child and have been~~
1362 ~~punished by civil contempt and then still have willfully refused~~
1363 ~~to obey the court order. Costs of representation are hereby~~

6-01030A-21

20211926__

1364 ~~imposed as provided by ss. 27.52 and 938.29.~~

1365 ~~(5) Notwithstanding any provision of this section or any~~
1366 ~~other law to the contrary, if a child is transferred for~~
1367 ~~criminal prosecution pursuant to this chapter, a nonindigent or~~
1368 ~~indigent but able to contribute parent or legal guardian of the~~
1369 ~~child pursuant to s. 27.52 is liable for necessary legal fees~~
1370 ~~and costs incident to the criminal prosecution of the child as~~
1371 ~~an adult.~~

1372 Section 26. Section 985.038, Florida Statutes, is created
1373 to read:

1374 985.038 Fines and fees imposed on children and young adults
1375 unenforceable.—

1376 (1) On or after July 1, 2021, the balance of any court-
1377 ordered costs imposed against a child as defined in s. 985.03,
1378 including a child who is found to be dependent as defined in s.
1379 39.01, or the child's parents or legal guardian, or a young
1380 adult eligible for continuing care under s. 39.6251, pursuant to
1381 ss. 775.083, 938.01, 938.03, 938.05, 938.055, 938.08, 938.085,
1382 938.10, 938.13, 938.15, 938.23, 938.27, 943.0515, 985.032,
1383 985.039, 985.12, 985.155, 985.18, 985.331, and 985.514 shall be
1384 unenforceable and uncollectable, and, on January 1, 2022, the
1385 portion of the judgment imposing those costs shall be vacated.

1386 (2) On or after July 1, 2021, the balance of any court-
1387 ordered costs imposed pursuant to ss. 27.52, 938.29, and 938.33
1388 which are related to the rendering of legal services to a child
1389 as defined in s. 985.03, including a child who is found to be
1390 dependent as defined in s. 39.01, or the child's parents or
1391 legal guardian, or a young adult eligible for continuing care
1392 pursuant to s. 39.6251 by an attorney shall be unenforceable and

6-01030A-21

20211926__

1393 uncollectable, and, on January 1, 2022, the portion of the
1394 judgment imposing those costs shall be vacated.

1395 (3) On or after July 1, 2021, all unsatisfied civil
1396 judgments or portions of judgments based on unpaid costs, fees,
1397 reimbursements, or other financial obligations imposed pursuant
1398 to a provision repealed by this act on a child as defined in s.
1399 985.03, including a child who is found to be dependent as
1400 defined in s. 39.01, or the child's parents or legal guardian,
1401 or a young adult eligible for continuing care pursuant to s.
1402 39.6251 are deemed to be null and void and for all legal
1403 purposes are vacated and discharged. Any procedures necessary to
1404 accomplish the purposes of this section may not require any
1405 affirmative actions on the part of any child as defined in s.
1406 985.03, including a child who is found to be dependent as
1407 defined in s. 39.01, or the child's parents or legal guardian,
1408 or a young adult subject to such judgment. Such procedures must
1409 be designed and implemented so as to accomplish the vacatur and
1410 discharge of all such civil judgments by January 1, 2022.

1411 (4) On or after July 1, 2021, all warrants issued solely
1412 based on the alleged failure of a child as defined in s. 985.03,
1413 including a child who is found to be dependent as defined in s.
1414 39.01, or the child's parents or legal guardian, or a young
1415 adult eligible for continuing care pursuant to s. 39.6251 to pay
1416 or to appear on a court date set for the sole purpose of payment
1417 of costs, fees, reimbursements, or any other financial
1418 obligations imposed pursuant to a provision repealed by this act
1419 are deemed to be null and void. Any procedures necessary to
1420 accomplish the purposes of this section may not require any
1421 affirmative actions on the part of a child as defined in s.

6-01030A-21

20211926__

1422 985.03, including a child who is found to be dependent as
1423 defined in s. 39.01, or the child's parents or legal guardian,
1424 or a young adult eligible for continuing care pursuant to s.
1425 39.6251, subject to such warrant. Such procedures shall be
1426 designed and implemented so as to accomplish the rescinding and
1427 expungement of all such warrants by January 1, 2022.

1428 (5) On or after July 1, 2021, a child as defined in s.
1429 985.03, including a child who is found to be dependent as
1430 defined in s. 39.01, or the child's parents or legal guardian,
1431 or a young adult eligible for continuing care pursuant to s.
1432 39.6251 who has had his or her driver license suspended for
1433 nonpayment of court costs or fees pursuant to s. 318.15 or s.
1434 322.245 shall immediately and automatically have his or her
1435 driver license reinstated by the Department of Highway Safety
1436 and Motor Vehicles.

1437 Section 27. Section 985.039, Florida Statutes, is amended
1438 to read:

1439 (Substantial rewording of section. See
1440 s. 985.039, F.S., for present text.)

1441 985.039 Exempting children and parents or guardians from
1442 fees.—A child, or a parent or legal guardian of such child, may
1443 not be ordered to pay any fee under this chapter, including, but
1444 not limited to, probation supervision fees or court
1445 administration fees, including the cost of court-appointed
1446 attorneys or public defenders, the cost of prosecution, or other
1447 administrative costs of the court.

1448 Section 28. Paragraph (b) of subsection (2) of section
1449 985.12, Florida Statutes, is amended to read:

1450 985.12 Civil citation or similar prearrest diversion

6-01030A-21

20211926__

1451 programs.—

1452 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST
1453 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—1454 (b) Each judicial circuit's civil citation or similar
1455 prearrest diversion program must specify:1456 1. The misdemeanor offenses that qualify a juvenile for
1457 participation in the program;

1458 2. The eligibility criteria for the program;

1459 3. The program's implementation and operation; and1460 4. The program's requirements, including, but not limited
1461 to, the completion of community service hours, payment of
1462 restitution, if applicable, and intervention services indicated
1463 by a needs assessment of the juvenile, approved by the
1464 department, such as family counseling, urinalysis monitoring,
1465 and substance abuse and mental health treatment services; ~~and~~1466 ~~5. A program fee, if any, to be paid by a juvenile~~
1467 ~~participating in the program. If the program imposes a fee, the~~
1468 ~~clerk of the court of the applicable county must receive a~~
1469 ~~reasonable portion of the fee.~~1470 Section 29. Paragraph (f) of subsection (5) and paragraph
1471 (a) of subsection (6) of section 985.155, Florida Statutes, are
1472 amended to read:

1473 985.155 Neighborhood restorative justice.—

1474 (5) SANCTIONS.—After holding a meeting pursuant to
1475 paragraph (4) (d), the board may impose any of the following
1476 sanctions alone or in any combination:1477 ~~(f) Require the juvenile to surrender the juvenile's driver~~
1478 ~~license and forward a copy of the board's resolution to the~~
1479 ~~Department of Highway Safety and Motor Vehicles. The department,~~

6-01030A-21

20211926__

1480 ~~upon receipt of the license, shall suspend the driving~~
1481 ~~privileges of the juvenile, or the juvenile may be restricted to~~
1482 ~~travel between the juvenile's home, school, and place of~~
1483 ~~employment during specified periods of time according to the~~
1484 ~~juvenile's school and employment schedule.~~

1485 (6) WRITTEN CONTRACT.—

1486 (a) The board, on behalf of the community, and the
1487 juvenile, the juvenile's parent or guardian, and the victim or
1488 representative of the victim, shall sign a written contract in
1489 which the parties agree to the board's resolution of the matter
1490 and in which the juvenile's parent or guardian agrees to ensure
1491 that the juvenile complies with the contract. ~~The contract may~~
1492 ~~provide that the parent or guardian shall post a bond payable to~~
1493 ~~this state to secure the performance of any sanction imposed~~
1494 ~~upon the juvenile pursuant to subsection (5).~~

1495 Section 30. Subsection (6) of section 985.18, Florida
1496 Statutes, is amended to read:

1497 985.18 Medical, psychiatric, psychological, substance
1498 abuse, and educational examination and treatment.—

1499 (6) A physician must be immediately notified by the person
1500 taking the child into custody or the person having custody if
1501 there are indications of physical injury or illness, or the
1502 child shall be taken to the nearest available hospital for
1503 emergency care. A child may be provided mental health, substance
1504 abuse, or intellectual disability services in emergency
1505 situations pursuant to chapter 393, chapter 394, or chapter 397,
1506 as applicable. Such costs must be paid for by an approved
1507 provider with sufficient state or federal funding or compensated
1508 by public or private medical insurance. The court may not ~~After~~

6-01030A-21

20211926__

1509 ~~a hearing, the court may order the custodial parent or parents,~~
1510 ~~guardian, or other custodian, if found able to do so, to~~
1511 ~~reimburse the county or state for the expense involved in such~~
1512 ~~emergency treatment or care.~~

1513 Section 31. Section 985.331, Florida Statutes, is amended
1514 to read:

1515 985.331 Court and witness fees.—In any proceeding under
1516 this chapter, court fees may ~~shall~~ not be charged against, nor
1517 witness fees allowed to be charged against, any party to a
1518 delinquency petition or any parent or legal guardian or
1519 custodian or child named in a summons. ~~Other witnesses shall be~~
1520 ~~paid the witness fees fixed by law.~~

1521 Section 32. Section 985.514, Florida Statutes, is repealed.

1522 Section 33. Subsection (2) of section 985.145, Florida
1523 Statutes, is amended to read:

1524 985.145 Responsibilities of the department during intake;
1525 screenings and assessments.—

1526 (2) Before ~~Prior to~~ requesting that a delinquency petition
1527 be filed or before ~~prior to~~ filing a dependency petition, the
1528 department may request the parent or legal guardian of the child
1529 to attend a course of instruction in parenting skills, training
1530 in conflict resolution, and the practice of nonviolence; to
1531 accept counseling; or to receive other assistance from any
1532 agency in the community which notifies the clerk of the court of
1533 the availability of its services. Where appropriate, the
1534 department shall request both parents or guardians to receive
1535 such parental assistance. The department may, in determining
1536 whether to request that a delinquency petition be filed, take
1537 into consideration the willingness of the parent or legal

6-01030A-21

20211926__

1538 guardian to comply with such request. ~~The parent or guardian~~
1539 ~~must provide the department with identifying information,~~
1540 ~~including the parent's or guardian's name, address, date of~~
1541 ~~birth, social security number, and driver license number or~~
1542 ~~identification card number in order to comply with s. 985.039.~~

1543 Section 34. For the purpose of incorporating the amendment
1544 made by this act to section 27.52, Florida Statutes, in a
1545 reference thereto, subsection (2) of section 27.02, Florida
1546 Statutes, is reenacted to read:

1547 27.02 Duties before court.—

1548 (2) The state attorney, when complying with the discovery
1549 obligation pursuant to the applicable rule of procedure, may
1550 charge the defendant fees as provided for in s. 119.07(4), not
1551 to exceed 15 cents per page for a copy of a noncertified copy of
1552 a public record. However, these fees may be deferred if the
1553 defendant has been determined to be indigent as provided in s.
1554 27.52.

1555 Section 35. For the purpose of incorporating the amendment
1556 made by this act to section 27.52, Florida Statutes, in a
1557 reference thereto, subsection (1) of section 27.51, Florida
1558 Statutes, is reenacted to read:

1559 27.51 Duties of public defender.—

1560 (1) The public defender shall represent, without additional
1561 compensation, any person determined to be indigent under s.
1562 27.52 and:

1563 (a) Under arrest for, or charged with, a felony;

1564 (b) Under arrest for, or charged with:

1565 1. A misdemeanor authorized for prosecution by the state
1566 attorney;

6-01030A-21

20211926__

1567 2. A violation of chapter 316 punishable by imprisonment;

1568 3. Criminal contempt; or

1569 4. A violation of a special law or county or municipal
1570 ordinance ancillary to a state charge, or if not ancillary to a
1571 state charge, only if the public defender contracts with the
1572 county or municipality to provide representation pursuant to ss.
1573 27.54 and 125.69.

1574
1575 The public defender shall not provide representation pursuant to
1576 this paragraph if the court, prior to trial, files in the cause
1577 an order of no imprisonment as provided in s. 27.512;

1578 (c) Alleged to be a delinquent child pursuant to a petition
1579 filed before a circuit court;

1580 (d) Sought by petition filed in such court to be
1581 involuntarily placed as a mentally ill person under part I of
1582 chapter 394, involuntarily committed as a sexually violent
1583 predator under part V of chapter 394, or involuntarily admitted
1584 to residential services as a person with developmental
1585 disabilities under chapter 393. A public defender shall not
1586 represent any plaintiff in a civil action brought under the
1587 Florida Rules of Civil Procedure, the Federal Rules of Civil
1588 Procedure, or the federal statutes, or represent a petitioner in
1589 a rule challenge under chapter 120, unless specifically
1590 authorized by statute;

1591 (e) Convicted and sentenced to death, for purposes of
1592 handling an appeal to the Supreme Court; or

1593 (f) Is appealing a matter in a case arising under
1594 paragraphs (a)-(d).

1595 Section 36. For the purpose of incorporating the amendment

6-01030A-21

20211926__

1596 made by this act to section 27.52, Florida Statutes, in a
1597 reference thereto, subsection (5) of section 27.511, Florida
1598 Statutes, is reenacted to read:

1599 27.511 Offices of criminal conflict and civil regional
1600 counsel; legislative intent; qualifications; appointment;
1601 duties.—

1602 (5) When the Office of the Public Defender, at any time
1603 during the representation of two or more defendants, determines
1604 that the interests of those accused are so adverse or hostile
1605 that they cannot all be counseled by the public defender or his
1606 or her staff without a conflict of interest, or that none can be
1607 counseled by the public defender or his or her staff because of
1608 a conflict of interest, and the court grants the public
1609 defender's motion to withdraw, the office of criminal conflict
1610 and civil regional counsel shall be appointed and shall provide
1611 legal services, without additional compensation, to any person
1612 determined to be indigent under s. 27.52, who is:

1613 (a) Under arrest for, or charged with, a felony;

1614 (b) Under arrest for, or charged with:

1615 1. A misdemeanor authorized for prosecution by the state
1616 attorney;

1617 2. A violation of chapter 316 punishable by imprisonment;

1618 3. Criminal contempt; or

1619 4. A violation of a special law or county or municipal
1620 ordinance ancillary to a state charge or, if not ancillary to a
1621 state charge, only if the office of criminal conflict and civil
1622 regional counsel contracts with the county or municipality to
1623 provide representation pursuant to ss. 27.54 and 125.69.

1624

6-01030A-21

20211926__

1625 The office of criminal conflict and civil regional counsel may
1626 not provide representation pursuant to this paragraph if the
1627 court, prior to trial, files in the cause an order of no
1628 imprisonment as provided in s. 27.512;

1629 (c) Alleged to be a delinquent child pursuant to a petition
1630 filed before a circuit court;

1631 (d) Sought by petition filed in such court to be
1632 involuntarily placed as a mentally ill person under part I of
1633 chapter 394, involuntarily committed as a sexually violent
1634 predator under part V of chapter 394, or involuntarily admitted
1635 to residential services as a person with developmental
1636 disabilities under chapter 393;

1637 (e) Convicted and sentenced to death, for purposes of
1638 handling an appeal to the Supreme Court;

1639 (f) Appealing a matter in a case arising under paragraphs
1640 (a)-(d); or

1641 (g) Seeking correction, reduction, or modification of a
1642 sentence under Rule 3.800, Florida Rules of Criminal Procedure,
1643 or seeking postconviction relief under Rule 3.850, Florida Rules
1644 of Criminal Procedure, if, in either case, the court determines
1645 that appointment of counsel is necessary to protect a person's
1646 due process rights.

1647 Section 37. For the purpose of incorporating the amendment
1648 made by this act to section 27.52, Florida Statutes, in a
1649 reference thereto, section 27.525, Florida Statutes, is
1650 reenacted to read:

1651 27.525 Indigent Criminal Defense Trust Fund.—The Indigent
1652 Criminal Defense Trust Fund is created, to be administered by
1653 the Justice Administrative Commission. Funds shall be credited

6-01030A-21

20211926__

1654 to the trust fund as provided in s. 27.52, to be used for the
1655 purposes of indigent criminal defense as appropriated by the
1656 Legislature to the public defender or the office of criminal
1657 conflict and civil regional counsel. The Justice Administrative
1658 Commission shall account for these funds on a circuit basis, and
1659 appropriations from the fund shall be proportional to each
1660 circuit's collections.

1661 Section 38. For the purpose of incorporating the amendment
1662 made by this act to section 27.52, Florida Statutes, in a
1663 reference thereto, paragraph (b) of subsection (3) of section
1664 27.702, Florida Statutes, is reenacted to read:

1665 27.702 Duties of the capital collateral regional counsel;
1666 reports.—

1667 (3)

1668 (b) The court having jurisdiction over any nonindigent or
1669 indigent-but-able-to-contribute defendant who has been receiving
1670 the services of the capital collateral regional counsel may
1671 assess attorney's fees and costs against the defendant at any
1672 stage in the proceedings as the court may deem appropriate. The
1673 determination of indigence of any defendant shall be made
1674 pursuant to s. 27.52. Liability for the costs of such
1675 representation may be imposed in the form of a lien against the
1676 property of the nonindigent or indigent-but-able-to-contribute
1677 defendant, which lien shall be enforceable as provided in s.
1678 27.561 or s. 938.29.

1679 Section 39. For the purpose of incorporating the amendment
1680 made by this act to section 27.52, Florida Statutes, in
1681 references thereto, section 29.0185, Florida Statutes, is
1682 reenacted to read:

6-01030A-21

20211926__

1683 29.0185 Provision of state-funded due process services to
1684 individuals.—Due process services may not be provided with state
1685 revenues to an individual unless the individual on whose behalf
1686 the due process services are being provided is eligible for
1687 court-appointed counsel under s. 27.40, based upon a
1688 determination of indigency under s. 27.52, regardless of whether
1689 such counsel is appointed or the individual on whose behalf the
1690 due process services are being provided is eligible for court-
1691 appointed counsel under s. 27.40 and has been determined
1692 indigent for costs pursuant to s. 27.52.

1693 Section 40. For the purpose of incorporating the amendment
1694 made by this act to section 27.52, Florida Statutes, in a
1695 reference thereto, subsection (1) of section 57.081, Florida
1696 Statutes, is reenacted to read:

1697 57.081 Costs; right to proceed where prepayment of costs
1698 and payment of filing fees waived.—

1699 (1) Any indigent person, except a prisoner as defined in s.
1700 57.085, who is a party or intervenor in any judicial or
1701 administrative agency proceeding or who initiates such
1702 proceeding shall receive the services of the courts, sheriffs,
1703 and clerks, with respect to such proceedings, despite his or her
1704 present inability to pay for these services. Such services are
1705 limited to filing fees; service of process; certified copies of
1706 orders or final judgments; a single photocopy of any court
1707 pleading, record, or instrument filed with the clerk; examining
1708 fees; mediation services and fees; private court-appointed
1709 counsel fees; subpoena fees and services; service charges for
1710 collecting and disbursing funds; and any other cost or service
1711 arising out of pending litigation. In any appeal from an

6-01030A-21

20211926__

1712 administrative agency decision, for which the clerk is
1713 responsible for preparing the transcript, the clerk shall record
1714 the cost of preparing the transcripts and the cost for copies of
1715 any exhibits in the record. A party who has obtained a
1716 certification of indigence pursuant to s. 27.52 or s. 57.082
1717 with respect to a proceeding is not required to prepay costs to
1718 a court, clerk, or sheriff and is not required to pay filing
1719 fees or charges for issuance of a summons.

1720 Section 41. For the purpose of incorporating the amendment
1721 made by this act to section 27.52, Florida Statutes, in a
1722 reference thereto, section 162.30, Florida Statutes, is
1723 reenacted to read:

1724 162.30 Civil actions to enforce county and municipal
1725 ordinances.—In addition to other provisions of law authorizing
1726 the enforcement of county and municipal codes and ordinances, a
1727 county or municipality may enforce any violation of a county or
1728 municipal code or ordinance by filing a civil action in the same
1729 manner as instituting a civil action. The action shall be
1730 brought in county or circuit court, whichever is appropriate
1731 depending upon the relief sought. Counties and municipalities
1732 are authorized and required to pay any counsel appointed by the
1733 court to represent a private party in such action if the
1734 provision of counsel at public expense is required by the
1735 Constitution of the United States or the Constitution of the
1736 State of Florida and if the party is indigent as established
1737 pursuant to s. 27.52. The county or municipality shall bear all
1738 court fees and costs of any such action, and may, if it
1739 prevails, recover the court fees and costs and expense of the
1740 court-appointed counsel as part of its judgment. The state shall

6-01030A-21

20211926__

1741 bear no expense of actions brought under this section except
1742 those that it would bear in an ordinary civil action between
1743 private parties in county court.

1744 Section 42. For the purpose of incorporating the amendment
1745 made by this act to section 27.52, Florida Statutes, in a
1746 reference thereto, paragraph (c) of subsection (4) of section
1747 392.55, Florida Statutes, is reenacted to read:

1748 392.55 Physical examination and treatment.—

1749 (4) A warrant requiring a person to be apprehended or
1750 examined on an outpatient basis may not be issued unless:

1751 (c) The court advises the person of the right to have legal
1752 counsel present. If the person is insolvent and unable to employ
1753 counsel, the court shall appoint legal counsel for the person
1754 pursuant to the indigence criteria in s. 27.52.

1755 Section 43. For the purpose of incorporating the amendment
1756 made by this act to section 27.52, Florida Statutes, in a
1757 reference thereto, subsection (3) of section 392.56, Florida
1758 Statutes, is reenacted to read:

1759 392.56 Hospitalization, placement, and residential
1760 isolation.—

1761 (3) A person may not be ordered by a circuit court to be
1762 hospitalized, placed in another health care facility or
1763 residential facility, or isolated from the general public in the
1764 home, unless:

1765 (a) A hearing has been held, with respect to which the
1766 person has received at least 72 hours' prior written
1767 notification and has received a list of the proposed actions to
1768 be taken and the reasons for each such action. However, with the
1769 consent of the person or the person's counsel, a hearing may be

6-01030A-21

20211926__

1770 held within less than 72 hours;

1771 (b) The person has the right to attend the hearing, to
1772 cross-examine witnesses, and present evidence. After review and
1773 consultation by the court, counsel for the person may waive the
1774 client's presence or allow the client to appear by television
1775 monitor where available; and

1776 (c) The court advises the person of the right to have
1777 counsel present. If the person is insolvent and unable to employ
1778 counsel, the court shall appoint legal counsel for the person
1779 pursuant to the indigence criteria in s. 27.52.

1780 Section 44. For the purpose of incorporating the amendment
1781 made by this act to section 27.52, Florida Statutes, in a
1782 reference thereto, paragraph (a) of subsection (3) of section
1783 900.05, Florida Statutes, is reenacted to read:

1784 900.05 Criminal justice data collection.—

1785 (3) DATA COLLECTION AND REPORTING.—An entity required to
1786 collect data in accordance with this subsection shall collect
1787 the specified data and report them in accordance with this
1788 subsection to the Department of Law Enforcement on a monthly
1789 basis.

1790 (a) *Clerk of the court.*—Each clerk of court shall collect
1791 the following data for each criminal case:

1792 1. Case number.

1793 2. Date that the alleged offense occurred.

1794 3. Date the defendant is taken into physical custody by a
1795 law enforcement agency or is issued a notice to appear on a
1796 criminal charge.

1797 4. Whether the case originated by notice to appear.

1798 5. Date that the criminal prosecution of a defendant is

6-01030A-21

20211926__

1799 formally initiated.

1800 6. Arraignment date.

1801 7. Attorney appointment date.

1802 8. Attorney withdrawal date.

1803 9. Case status.

1804 10. Charge disposition.

1805 11. Disposition date and disposition type.

1806 12. Information related to each defendant, including:

1807 a. Identifying information, including name, known aliases,

1808 date of birth, race, ethnicity, and gender.

1809 b. Zip code of last known address.

1810 c. Primary language.

1811 d. Citizenship.

1812 e. Immigration status, if applicable.

1813 f. Whether the defendant has been found to be indigent

1814 under s. 27.52.

1815 13. Information related to the charges filed against the

1816 defendant, including:

1817 a. Charge description.

1818 b. Charge modifier description and statute, if applicable.

1819 c. Drug type for each drug charge, if known.

1820 d. Qualification for a flag designation as defined in this

1821 section, including a domestic violence flag, gang affiliation

1822 flag, sexual offender flag, habitual offender flag, habitual

1823 violent felony offender flag, pretrial release violation flag,

1824 prison releasee reoffender flag, three-time violent felony

1825 offender flag, or violent career criminal flag.

1826 14. Information related to bail or bond and pretrial

1827 release determinations, including the dates of any such

6-01030A-21

20211926__

- 1828 determinations:
- 1829 a. Pretrial release determination made at a first
- 1830 appearance hearing that occurs within 24 hours of arrest,
- 1831 including any monetary and nonmonetary conditions of release.
- 1832 b. Modification of bail or bond conditions made by a court
- 1833 having jurisdiction to try the defendant or, in the absence of
- 1834 the judge of the trial court, by the circuit court, including
- 1835 modifications to any monetary and nonmonetary conditions of
- 1836 release.
- 1837 c. Cash bail or bond payment, including whether the
- 1838 defendant utilized a bond agent to post a surety bond.
- 1839 d. Date defendant is released on bail, bond, or pretrial
- 1840 release for the current case.
- 1841 e. Bail or bond revocation due to a new offense, a failure
- 1842 to appear, or a violation of the terms of bail or bond, if
- 1843 applicable.
- 1844 15. Information related to court dates and dates of motions
- 1845 and appearances, including:
- 1846 a. Date of any court appearance and the type of proceeding
- 1847 scheduled for each date reported.
- 1848 b. Date of any failure to appear in court, if applicable.
- 1849 c. Deferred prosecution or pretrial diversion hearing, if
- 1850 applicable.
- 1851 d. Each scheduled trial date.
- 1852 e. Date that a defendant files a notice to participate in
- 1853 discovery.
- 1854 f. Speedy trial motion date and each hearing date, if
- 1855 applicable.
- 1856 g. Dismissal motion date and each hearing date, if

6-01030A-21

20211926__

1857 applicable.

1858 16. Defense attorney type.

1859 17. Information related to sentencing, including:

1860 a. Date that a court enters a sentence against a defendant.

1861 b. Charge sentenced to, including charge sequence number,
1862 and charge description.

1863 c. Sentence type and length imposed by the court in the
1864 current case, reported in years, months, and days, including,
1865 but not limited to, the total duration of incarceration in a
1866 county detention facility or state correctional institution or
1867 facility, and conditions of probation or community control
1868 supervision.

1869 d. Amount of time served in custody by the defendant
1870 related to each charge that is credited at the time of
1871 disposition of the charge to reduce the imposed length of time
1872 the defendant will serve on the term of incarceration that is
1873 ordered by the court at disposition.

1874 e. Total amount of court costs imposed by the court at the
1875 disposition of the case.

1876 f. Total amount of fines imposed by the court at the
1877 disposition of the case.

1878 g. Restitution amount ordered at sentencing.

1879 18. The sentencing judge or magistrate, or their
1880 equivalent.

1881 Section 45. For the purpose of incorporating the amendment
1882 made by this act to section 27.52, Florida Statutes, in a
1883 reference thereto, section 914.11, Florida Statutes, is
1884 reenacted to read:

1885 914.11 Indigent defendants.—If a defendant in a criminal

6-01030A-21

20211926__

1886 case is indigent pursuant to s. 27.52 and presently unable to
1887 pay the cost of procuring the attendance of witnesses, the
1888 defendant may seek a deferral of these costs; however, the
1889 defendant may subpoena the witnesses, and the costs, including
1890 the cost of the defendant's copy of all depositions and
1891 transcripts which are certified by the defendant's attorney as
1892 serving a useful purpose in the disposition of the case, shall
1893 be paid by the state. When depositions are taken outside the
1894 circuit in which the case is pending, travel expenses shall be
1895 paid by the state in accordance with s. 112.061 and shall also
1896 be taxed as costs payable to the state.

1897 Section 46. For the purpose of incorporating the amendment
1898 made by this act to section 27.52, Florida Statutes, in a
1899 reference thereto, paragraph (a) of subsection (2) of section
1900 916.107, Florida Statutes, is reenacted to read:

1901 916.107 Rights of forensic clients.—

1902 (2) RIGHT TO TREATMENT.—

1903 (a) The policy of the state is that neither the department
1904 nor the agency shall deny treatment or training to any client
1905 and that no services shall be delayed because the forensic
1906 client is indigent pursuant to s. 27.52 and presently unable to
1907 pay. However, every reasonable effort to collect appropriate
1908 reimbursement for the cost of providing services to clients able
1909 to pay for the services, including reimbursement from insurance
1910 or other third-party payments, shall be made by facilities
1911 providing services pursuant to this chapter and in accordance
1912 with the provisions of s. 402.33.

1913 Section 47. For the purpose of incorporating the amendment
1914 made by this act to section 27.52, Florida Statutes, in a

6-01030A-21

20211926__

1915 reference thereto, subsection (4) of section 916.15, Florida
1916 Statutes, is reenacted to read:

1917 916.15 Involuntary commitment of defendant adjudicated not
1918 guilty by reason of insanity.—

1919 (4) In all proceedings under this section, both the
1920 defendant and the state shall have the right to a hearing before
1921 the committing court. Evidence at such hearing may be presented
1922 by the hospital administrator or the administrator's designee as
1923 well as by the state and the defendant. The defendant shall have
1924 the right to counsel at any such hearing. In the event that a
1925 defendant is determined to be indigent pursuant to s. 27.52, the
1926 public defender shall represent the defendant. The parties shall
1927 have access to the defendant's records at the treating
1928 facilities and may interview or depose personnel who have had
1929 contact with the defendant at the treating facilities.

1930 Section 48. For the purpose of incorporating the amendment
1931 made by this act to section 27.52, Florida Statutes, in a
1932 reference thereto, paragraph (c) of subsection (1) of section
1933 938.29, Florida Statutes, is reenacted to read:

1934 938.29 Legal assistance; lien for payment of attorney's
1935 fees or costs.—

1936 (1)

1937 (c) The defendant shall pay the application fee under s.
1938 27.52(1)(b) and attorney's fees and costs in full or in
1939 installments, at the time or times specified. The court may
1940 order payment of the assessed application fee and attorney's
1941 fees and costs as a condition of probation, of suspension of
1942 sentence, or of withholding the imposition of sentence. All
1943 funds collected under this section shall be distributed as

6-01030A-21

20211926__

1944 provided in s. 27.562.

1945 Section 49. For the purpose of incorporating the amendment
1946 made by this act to section 27.52, Florida Statutes, in a
1947 reference thereto, subsection (1) of section 939.06, Florida
1948 Statutes, is reenacted to read:

1949 939.06 Acquitted defendant not liable for costs.—

1950 (1) A defendant in a criminal prosecution who is acquitted
1951 or discharged is not liable for any costs or fees of the court
1952 or any ministerial office, or for any charge of subsistence
1953 while detained in custody. If the defendant has paid any taxable
1954 costs, or fees required under s. 27.52(1)(b), in the case, the
1955 clerk or judge shall give him or her a certificate of the
1956 payment of such costs, with the items thereof, which, when
1957 audited and approved according to law, shall be refunded to the
1958 defendant.

1959 Section 50. For the purpose of incorporating the amendment
1960 made by this act to section 27.52, Florida Statutes, in a
1961 reference thereto, subsection (7) of section 943.053, Florida
1962 Statutes, is reenacted to read:

1963 943.053 Dissemination of criminal justice information;
1964 fees.—

1965 (7) Notwithstanding any other provision of law, the
1966 department shall provide to each office of the public defender
1967 online access to criminal records of this state which are not
1968 exempt from disclosure under chapter 119 or confidential under
1969 law. Such access shall be used solely in support of the duties
1970 of a public defender as provided in s. 27.51 or of any attorney
1971 specially assigned as authorized in s. 27.53 in the
1972 representation of any person who is determined indigent as

6-01030A-21

20211926__

1973 provided in s. 27.52. The costs of establishing and maintaining
1974 such online access shall be borne by the office to which the
1975 access has been provided.

1976 Section 51. For the purpose of incorporating the amendments
1977 made by this act to sections 27.52 and 938.29, Florida Statutes,
1978 in references thereto, section 903.286, Florida Statutes, is
1979 reenacted to read:

1980 903.286 Return of cash bond; requirement to withhold unpaid
1981 fines, fees, court costs; cash bond forms.-

1982 (1) Notwithstanding s. 903.31(2), the clerk of the court
1983 shall withhold from the return of a cash bond posted on behalf
1984 of a criminal defendant by a person other than a bail bond agent
1985 licensed pursuant to chapter 648 sufficient funds to pay any
1986 unpaid costs of prosecution, costs of representation as provided
1987 by ss. 27.52 and 938.29, court fees, court costs, and criminal
1988 penalties. If sufficient funds are not available to pay all
1989 unpaid costs of prosecution, costs of representation as provided
1990 by ss. 27.52 and 938.29, court fees, court costs, and criminal
1991 penalties, the clerk of the court shall immediately obtain
1992 payment from the defendant or enroll the defendant in a payment
1993 plan pursuant to s. 28.246.

1994 (2) All cash bond forms used in conjunction with the
1995 requirements of s. 903.09 must prominently display a notice
1996 explaining that all funds are subject to forfeiture and
1997 withholding by the clerk of the court for the payment of costs
1998 of prosecution, costs of representation as provided by ss. 27.52
1999 and 938.29, court fees, court costs, and criminal penalties on
2000 behalf of the criminal defendant regardless of who posted the
2001 funds.

6-01030A-21

20211926__

2002 Section 52. For the purpose of incorporating the amendments
2003 made by this act to sections 27.52 and 938.29, Florida Statutes,
2004 in references thereto, paragraph (j) of subsection (1) of
2005 section 948.03, Florida Statutes, is reenacted to read:

2006 948.03 Terms and conditions of probation.—

2007 (1) The court shall determine the terms and conditions of
2008 probation. Conditions specified in this section do not require
2009 oral pronouncement at the time of sentencing and may be
2010 considered standard conditions of probation. These conditions
2011 may include among them the following, that the probationer or
2012 offender in community control shall:

2013 (j) Pay any application fee assessed under s. 27.52(1)(b)
2014 and attorney's fees and costs assessed under s. 938.29, subject
2015 to modification based on change of circumstances.

2016 Section 53. For the purpose of incorporating the amendments
2017 made by this act to sections 318.15 and 322.245, Florida
2018 Statutes, in references thereto, subsection (2) of section
2019 322.29, Florida Statutes, is reenacted to read:

2020 322.29 Surrender and return of license.—

2021 (2) Notwithstanding subsection (1), an examination is not
2022 required for the return of a license suspended under s. 318.15
2023 or s. 322.245 unless an examination is otherwise required by
2024 this chapter. A person applying for the return of a license
2025 suspended under s. 318.15 or s. 322.245 must present to the
2026 department certification from the court that he or she has
2027 complied with all obligations and penalties imposed pursuant to
2028 s. 318.15 or, in the case of a suspension pursuant to s.
2029 322.245, that he or she has complied with all directives of the
2030 court and the requirements of s. 322.245 and shall pay to the

6-01030A-21

20211926__

2031 department a nonrefundable service fee of \$60, of which \$37.50
2032 shall be deposited into the General Revenue Fund and \$22.50
2033 shall be deposited into the Highway Safety Operating Trust Fund.
2034 If reinstated by the clerk of the court or tax collector, \$37.50
2035 shall be retained and \$22.50 shall be remitted to the Department
2036 of Revenue for deposit into the Highway Safety Operating Trust
2037 Fund. However, the service fee is not required if the person is
2038 required to pay a \$45 fee or \$75 fee under s. 322.21(8).

2039 Section 54. For the purpose of incorporating the amendments
2040 made by this act to sections 318.15 and 322.245, Florida
2041 Statutes, in references thereto, paragraph (a) of subsection
2042 (10) of section 322.34, Florida Statutes, is reenacted to read:
2043 322.34 Driving while license suspended, revoked, canceled,
2044 or disqualified.—

2045 (10) (a) Notwithstanding any other provision of this
2046 section, if a person does not have a prior forcible felony
2047 conviction as defined in s. 776.08, the penalties provided in
2048 paragraph (b) apply if a person's driver license or driving
2049 privilege is canceled, suspended, or revoked, or the person is
2050 under suspension or revocation equivalent status, for:

2051 1. Failing to pay child support as provided in s. 322.245
2052 or s. 61.13016;

2053 2. Failing to pay any other financial obligation as
2054 provided in s. 322.245 other than those specified in s.
2055 322.245(1);

2056 3. Failing to comply with a civil penalty required in s.
2057 318.15;

2058 4. Failing to maintain vehicular financial responsibility
2059 as required by chapter 324;

6-01030A-21

20211926__

2060 5. Failing to comply with attendance or other requirements
2061 for minors as set forth in s. 322.091; or

2062 6. Having been designated a habitual traffic offender under
2063 s. 322.264(1)(d) as a result of suspensions of his or her driver
2064 license or driver privilege for any underlying violation listed
2065 in subparagraphs 1.-5.

2066 Section 55. For the purpose of incorporating the amendment
2067 made by this act to section 322.245, Florida Statutes, in a
2068 reference thereto, paragraph (a) of subsection (10) of section
2069 318.14, Florida Statutes, is reenacted to read:

2070 318.14 Noncriminal traffic infractions; exception;
2071 procedures.—

2072 (10) (a) Any person who does not hold a commercial driver
2073 license or commercial learner's permit and who is cited while
2074 driving a noncommercial motor vehicle for an offense listed
2075 under this subsection may, in lieu of payment of fine or court
2076 appearance, elect to enter a plea of nolo contendere and provide
2077 proof of compliance to the clerk of the court, designated
2078 official, or authorized operator of a traffic violations bureau.
2079 In such case, adjudication shall be withheld; however, a person
2080 may not make an election under this subsection if the person has
2081 made an election under this subsection in the preceding 12
2082 months. A person may not make more than three elections under
2083 this subsection. This subsection applies to the following
2084 offenses:

2085 1. Operating a motor vehicle without a valid driver license
2086 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
2087 operating a motor vehicle with a license that has been suspended
2088 for failure to appear, failure to pay civil penalty, or failure

6-01030A-21

20211926__

2089 to attend a driver improvement course pursuant to s. 322.291.

2090 2. Operating a motor vehicle without a valid registration
2091 in violation of s. 320.0605, s. 320.07, or s. 320.131.

2092 3. Operating a motor vehicle in violation of s. 316.646.

2093 4. Operating a motor vehicle with a license that has been
2094 suspended under s. 61.13016 or s. 322.245 for failure to pay
2095 child support or for failure to pay any other financial
2096 obligation as provided in s. 322.245; however, this subparagraph
2097 does not apply if the license has been suspended pursuant to s.
2098 322.245(1).

2099 5. Operating a motor vehicle with a license that has been
2100 suspended under s. 322.091 for failure to meet school attendance
2101 requirements.

2102 Section 56. For the purpose of incorporating the amendment
2103 made by this act to section 322.245, Florida Statutes, in a
2104 reference thereto, section 320.571, Florida Statutes, is
2105 reenacted to read:

2106 320.571 Failure of person charged with misdemeanor under
2107 this chapter to comply with court-ordered directives; suspension
2108 of license.—Any person who has been charged with the commission
2109 of an offense which constitutes a misdemeanor under this chapter
2110 and who fails to comply with all of the directives of the court
2111 is subject to the provisions of s. 322.245.

2112 Section 57. For the purpose of incorporating the amendment
2113 made by this act to section 322.245, Florida Statutes, in a
2114 reference thereto, section 322.391, Florida Statutes, is
2115 reenacted to read:

2116 322.391 Failure of person charged with misdemeanor under
2117 this chapter to comply with court-ordered directives; suspension

6-01030A-21

20211926__

2118 of license.—A person charged with the commission of a
2119 misdemeanor under this chapter who fails to comply with all of
2120 the directives of the court is subject to the provisions of s.
2121 322.245.

2122 Section 58. For the purpose of incorporating the amendment
2123 made by this act to section 938.01, Florida Statutes, in a
2124 reference thereto, section 938.15, Florida Statutes, is
2125 reenacted to read:

2126 938.15 Criminal justice education for local government.—In
2127 addition to the costs provided for in s. 938.01, municipalities
2128 and counties may assess an additional \$2 for expenditures for
2129 criminal justice education degree programs and training courses,
2130 including basic recruit training, for their respective officers
2131 and employing agency support personnel, provided such education
2132 degree programs and training courses are approved by the
2133 employing agency administrator, on a form provided by the
2134 Criminal Justice Standards and Training Commission, for local
2135 funding.

2136 (1) Workshops, meetings, conferences, and conventions
2137 shall, on a form approved by the Criminal Justice Standards and
2138 Training Commission for use by the employing agency, be
2139 individually approved by the employing agency administrator
2140 prior to attendance. The form shall include, but not be limited
2141 to, a demonstration by the employing agency of the purpose of
2142 the workshop, meeting, conference, or convention; the direct
2143 relationship of the training to the officer's job; the direct
2144 benefits the officer and agency will receive; and all
2145 anticipated costs.

2146 (2) The Criminal Justice Standards and Training Commission

6-01030A-21

20211926__

2147 may inspect and copy the documentation of independent audits
2148 conducted of the municipalities and counties which make such
2149 assessments to ensure that such assessments have been made and
2150 that expenditures are in conformance with the requirements of
2151 this subsection and with other applicable procedures.

2152 Section 59. For the purpose of incorporating the amendment
2153 made by this act to section 938.03, Florida Statutes, in a
2154 reference thereto, subsection (10) of section 318.21, Florida
2155 Statutes, is reenacted to read:

2156 318.21 Disposition of civil penalties by county courts.—All
2157 civil penalties received by a county court pursuant to the
2158 provisions of this chapter shall be distributed and paid monthly
2159 as follows:

2160 (10) The additional costs and surcharges on criminal
2161 traffic offenses provided for under ss. 938.03 and 938.04 must
2162 be collected and distributed by the clerk of the court as
2163 provided in those sections. The additional costs and surcharges
2164 must also be collected for the violation of any ordinances
2165 adopting the criminal traffic offenses enumerated in s. 318.17.

2166 Section 60. For the purpose of incorporating the amendment
2167 made by this act to section 938.03, Florida Statutes, in a
2168 reference thereto, subsection (2) of section 775.0835, Florida
2169 Statutes, is reenacted to read:

2170 775.0835 Fines; surcharges; Crimes Compensation Trust
2171 Fund.—

2172 (2) The additional \$50 obligation created by s. 938.03
2173 shall be collected, and \$49 of each \$50 collected shall be
2174 remitted to the Department of Revenue for deposit in the Crimes
2175 Compensation Trust Fund, prior to any fine or surcharge

6-01030A-21

20211926__

2176 authorized by this chapter. These costs are considered assessed
2177 unless specifically waived by the court. If the court does not
2178 order these costs, it shall state on the record, in detail, the
2179 reasons therefor.

2180 Section 61. For the purpose of incorporating the amendment
2181 made by this act to section 938.03, Florida Statutes, in a
2182 reference thereto, subsection (2) of section 960.14, Florida
2183 Statutes, is reenacted to read:

2184 960.14 Manner of payment; execution or attachment.—

2185 (2) If a claimant owes money to the Crimes Compensation
2186 Trust Fund in connection with any other claim as provided for in
2187 ss. 938.03, 960.16, and 960.17, the amount owed shall be reduced
2188 from any award.

2189 Section 62. For the purpose of incorporating the amendment
2190 made by this act to section 938.055, Florida Statutes, in a
2191 reference thereto, paragraph (1) of subsection (1) of section
2192 921.187, Florida Statutes, is reenacted to read:

2193 921.187 Disposition and sentencing; alternatives;
2194 restitution.—

2195 (1) The alternatives provided in this section for the
2196 disposition of criminal cases shall be used in a manner that
2197 will best serve the needs of society, punish criminal offenders,
2198 and provide the opportunity for rehabilitation. If the offender
2199 does not receive a state prison sentence, the court may:

2200 (1)1. Require the offender who violates any criminal
2201 provision of chapter 893 to pay an additional assessment in an
2202 amount up to the amount of any fine imposed, pursuant to ss.
2203 938.21 and 938.23.

2204 2. Require the offender who violates any provision of s.

6-01030A-21

20211926__

2205 893.13 to pay an additional assessment in an amount of \$100,
2206 pursuant to ss. 938.055 and 943.361.

2207 Section 63. For the purpose of incorporating the amendment
2208 made by this act to section 938.055, Florida Statutes, in
2209 references thereto, section 943.361, Florida Statutes, is
2210 reenacted to read:

2211 943.361 Statewide criminal analysis laboratory system;
2212 funding through fine surcharges.—

2213 (1) Funds deposited pursuant to ss. 938.055 and 938.07 for
2214 the statewide criminal analysis laboratory system shall be used
2215 for state reimbursements to local county-operated crime
2216 laboratories enumerated in s. 943.35(1), and for the equipment,
2217 health, safety, and training of member crime laboratories of the
2218 statewide criminal analysis laboratory system.

2219 (2) Moneys deposited pursuant to ss. 938.055 and 938.07 for
2220 the statewide criminal analysis laboratory system shall be
2221 appropriated by the Legislature in accordance with the
2222 provisions of chapter 216 and with the purposes stated in
2223 subsection (1).

2224 Section 64. For the purpose of incorporating the amendment
2225 made by this act to section 938.06, Florida Statutes, in
2226 references thereto, paragraph (b) of subsection (4) and
2227 paragraph (b) of subsection (5) of section 16.555, Florida
2228 Statutes, are reenacted to read:

2229 16.555 Crime Stoppers Trust Fund; rulemaking.—

2230 (4)

2231 (b) The proceeds of the court cost imposed by s. 938.06
2232 shall be deposited in a separate account in the trust fund, and
2233 within that account the funds shall be designated according to

6-01030A-21

20211926__

2234 the judicial circuit in which they were collected. The funds in
2235 this account shall be used as provided in paragraph (5) (b).

2236 (5)

2237 (b) Funds deposited in the trust fund pursuant to paragraph
2238 (4) (b) shall be disbursed as provided in this paragraph. A
2239 county may apply to the department under s. 938.06 for a grant
2240 from the funds collected in the judicial circuit in which the
2241 county is located. A grant may be awarded only to counties that
2242 are served by an official member of the Florida Association of
2243 Crime Stoppers and may be used only to support Crime Stoppers
2244 and its crime fighting programs. Only one such official member
2245 is eligible for support within any county. To aid the department
2246 in determining eligibility, the secretary of the Florida
2247 Association of Crime Stoppers shall furnish the department with
2248 a schedule of authorized crime stoppers programs and shall
2249 update the schedule as necessary. The department shall award
2250 grants to eligible counties from available funds and shall
2251 distribute funds as equitably as possible, based on amounts
2252 collected within each county, if more than one county is
2253 eligible within a judicial circuit.

2254 Section 65. For the purpose of incorporating the amendment
2255 made by this act to section 938.08, Florida Statutes, in a
2256 reference thereto, subsection (2) of section 741.01, Florida
2257 Statutes, is reenacted to read:

2258 741.01 County court judge or clerk of the circuit court to
2259 issue marriage license; fee.—

2260 (2) The fee charged for each marriage license issued in the
2261 state shall be increased by the sum of \$25. This fee shall be
2262 collected upon receipt of the application for the issuance of a

6-01030A-21

20211926__

2263 marriage license and remitted by the clerk to the Department of
2264 Revenue for deposit in the Domestic Violence Trust Fund. The
2265 Executive Office of the Governor shall establish a Domestic
2266 Violence Trust Fund for the purpose of collecting and disbursing
2267 funds generated from the increase in the marriage license fee.
2268 Such funds which are generated shall be directed to the
2269 Department of Children and Families for the specific purpose of
2270 funding domestic violence centers, and the funds shall be
2271 appropriated in a "grants-in-aid" category to the Department of
2272 Children and Families for the purpose of funding domestic
2273 violence centers. From the proceeds of the surcharge deposited
2274 into the Domestic Violence Trust Fund as required under s.
2275 938.08, the Executive Office of the Governor may spend up to
2276 \$500,000 each year for the purpose of administering a statewide
2277 public-awareness campaign regarding domestic violence.

2278 Section 66. For the purpose of incorporating the amendment
2279 made by this act to section 938.085, Florida Statutes, in a
2280 reference thereto, paragraph (b) of subsection (3) of section
2281 794.055, Florida Statutes, is reenacted to read:

2282 794.055 Access to services for victims of sexual battery.—

2283 (3)

2284 (b) Funds received under s. 938.085 shall be used to
2285 provide sexual battery recovery services to victims and their
2286 families. Funds shall be distributed to rape crisis centers
2287 based on an allocation formula that takes into account the
2288 population and rural characteristics of each county. No more
2289 than 15 percent of the funds shall be used by the statewide
2290 nonprofit association for statewide initiatives. No more than 5
2291 percent of the funds may be used by the department for

6-01030A-21

20211926__

2292 administrative costs.

2293 Section 67. For the purpose of incorporating the amendment
2294 made by this act to section 938.10, Florida Statutes, in
2295 references thereto, subsection (3) of section 39.3035, Florida
2296 Statutes, is reenacted to read:

2297 39.3035 Child advocacy centers; standards; state funding.—

2298 (3) A child advocacy center within this state may not
2299 receive the funds generated pursuant to s. 938.10, state or
2300 federal funds administered by a state agency, or any other funds
2301 appropriated by the Legislature unless all of the standards of
2302 subsection (1) are met and the screening requirement of
2303 subsection (2) is met. The Florida Network of Children's
2304 Advocacy Centers, Inc., shall be responsible for tracking and
2305 documenting compliance with subsections (1) and (2) for any of
2306 the funds it administers to member child advocacy centers.

2307 (a) Funds for the specific purpose of funding children's
2308 advocacy centers shall be appropriated to the Department of
2309 Children and Families from funds collected from the additional
2310 court cost imposed in cases of certain crimes against minors
2311 under s. 938.10. Funds shall be disbursed to the Florida Network
2312 of Children's Advocacy Centers, Inc., as established under this
2313 section, for the purpose of providing community-based services
2314 that augment, but do not duplicate, services provided by state
2315 agencies.

2316 (b) The board of directors of the Florida Network of
2317 Children's Advocacy Centers, Inc., shall retain 10 percent of
2318 all revenues collected to be used to match local contributions,
2319 at a rate not to exceed an equal match, in communities
2320 establishing children's advocacy centers. The board of directors

6-01030A-21

20211926__

2321 may use up to 5 percent of the remaining funds to support the
2322 activities of the network office and must develop funding
2323 criteria and an allocation methodology that ensures an equitable
2324 distribution of remaining funds among network participants. The
2325 criteria and methodologies must take into account factors that
2326 include, but need not be limited to, the center's accreditation
2327 status with respect to the National Children's Alliance, the
2328 number of clients served, and the population of the area being
2329 served by the children's advocacy center.

2330 (c) At the end of each fiscal year, each children's
2331 advocacy center receiving revenue as provided in this section
2332 must provide a report to the board of directors of the Florida
2333 Network of Children's Advocacy Centers, Inc., which reflects
2334 center expenditures, all sources of revenue received, and
2335 outputs that have been standardized and agreed upon by network
2336 members and the board of directors, such as the number of
2337 clients served, client demographic information, and number and
2338 types of services provided. The Florida Network of Children's
2339 Advocacy Centers, Inc., must compile reports from the centers
2340 and provide a report to the President of the Senate and the
2341 Speaker of the House of Representatives in August of each year.

2342 Section 68. For the purpose of incorporating the amendment
2343 made by this act to section 938.10, Florida Statutes, in a
2344 reference thereto, paragraph (v) of subsection (1) of section
2345 215.22, Florida Statutes, is reenacted to read:

2346 215.22 Certain income and certain trust funds exempt.—

2347 (1) The following income of a revenue nature or the
2348 following trust funds shall be exempt from the appropriation
2349 required by s. 215.20(1):

6-01030A-21

20211926__

2350 (v) That portion of the fines to be disbursed to the
2351 Florida Network of Children's Advocacy Centers, Inc., collected
2352 pursuant to s. 938.10.

2353 Section 69. For the purpose of incorporating the amendment
2354 made by this act to section 938.15, Florida Statutes, in
2355 references thereto, paragraphs (c) and (d) of subsection (11) of
2356 section 318.18, Florida Statutes, are reenacted to read:

2357 318.18 Amount of penalties.—The penalties required for a
2358 noncriminal disposition pursuant to s. 318.14 or a criminal
2359 offense listed in s. 318.17 are as follows:

2360 (11)

2361 (c) In addition to the court cost required under paragraph
2362 (a), a \$2.50 court cost must be paid for each infraction to be
2363 distributed by the clerk to the county to help pay for criminal
2364 justice education and training programs pursuant to s. 938.15.
2365 Funds from the distribution to the county not directed by the
2366 county to fund these centers or programs shall be retained by
2367 the clerk and used for funding the court-related services of the
2368 clerk.

2369 (d) In addition to the court cost required under paragraph
2370 (a), a \$3 court cost must be paid for each infraction to be
2371 distributed as provided in s. 938.01 and a \$2 court cost as
2372 provided in s. 938.15 when assessed by a municipality or county.

2373 Section 70. For the purpose of incorporating the amendment
2374 made by this act to section 938.15, Florida Statutes, in a
2375 reference thereto, subsection (3) of section 318.21, Florida
2376 Statutes, is reenacted to read:

2377 318.21 Disposition of civil penalties by county courts.—All
2378 civil penalties received by a county court pursuant to the

6-01030A-21

20211926__

2379 provisions of this chapter shall be distributed and paid monthly
2380 as follows:

2381 (3) Moneys paid to a municipality or special improvement
2382 district under subparagraph (2)(g)1. must be used to fund local
2383 criminal justice training as provided in s. 938.15 when such a
2384 program is established by ordinance; to fund a municipal school
2385 crossing guard training program; and for any other lawful
2386 purpose.

2387 Section 71. For the purpose of incorporating the amendment
2388 made by this act to section 938.15, Florida Statutes, in a
2389 reference thereto, paragraph (b) of subsection (11) of section
2390 327.73, Florida Statutes, is reenacted to read:

2391 327.73 Noncriminal infractions.—

2392 (11)

2393 (b) In addition to the court cost assessed under paragraph
2394 (a), the court shall impose a \$3 court cost for each noncriminal
2395 infraction, to be distributed as provided in s. 938.01, and a \$2
2396 court cost as provided in s. 938.15 when assessed by a
2397 municipality or county.

2398
2399 Court costs imposed under this subsection may not exceed \$45. A
2400 criminal justice selection center or both local criminal justice
2401 access and assessment centers may be funded from these court
2402 costs.

2403 Section 72. For the purpose of incorporating the amendment
2404 made by this act to section 938.15, Florida Statutes, in a
2405 reference thereto, subsection (2) of section 938.01, Florida
2406 Statutes, is reenacted to read:

2407 938.01 Additional Court Cost Clearing Trust Fund.—

6-01030A-21

20211926__

2408 (2) Except as provided by s. 938.15 and notwithstanding any
2409 other provision of law, no funds collected and deposited
2410 pursuant to this section or s. 943.25 shall be expended unless
2411 specifically appropriated by the Legislature.

2412 Section 73. For the purpose of incorporating the amendment
2413 made by this act to section 938.15, Florida Statutes, in a
2414 reference thereto, subsection (11) of section 943.25, Florida
2415 Statutes, is reenacted to read:

2416 943.25 Criminal justice trust funds; source of funds; use
2417 of funds.—

2418 (11) Except as provided by s. 938.15 and notwithstanding
2419 any other provision of law, no funds collected and deposited
2420 pursuant to this section shall be expended unless specifically
2421 appropriated by the Legislature.

2422 Section 74. For the purpose of incorporating the amendment
2423 made by this act to section 938.23, Florida Statutes, in
2424 references thereto, subsections (1) and (2) and paragraph (a) of
2425 subsection (3) of section 893.165, Florida Statutes, are
2426 reenacted to read:

2427 893.165 County alcohol and other drug abuse treatment or
2428 education trust funds.—

2429 (1) Counties in which there is established or in existence
2430 a comprehensive alcohol and other drug abuse treatment or
2431 education program which meets the standards for qualification of
2432 such programs by the Department of Children and Families are
2433 authorized to establish a County Alcohol and Other Drug Abuse
2434 Trust Fund for the purpose of receiving the assessments
2435 collected pursuant to s. 938.23 and disbursing assistance grants
2436 on an annual basis to such alcohol and other drug abuse

6-01030A-21

20211926__

2437 treatment or education program.

2438 (2) Assessments collected by the clerks of court pursuant
2439 to s. 938.23 shall be remitted to the board of county
2440 commissioners of the county in which the indictment was found or
2441 the prosecution commenced for payment into the County Alcohol
2442 and Other Drug Abuse Trust Fund. The county commissioners shall
2443 require a full report from all clerks of county courts and
2444 clerks of circuit courts once each month of the amount of
2445 assessments imposed by their courts.

2446 (3) (a) No county shall receive assessments collected
2447 pursuant to s. 938.23 in an amount exceeding that county's
2448 jurisdictional share as described in subsection (2).

2449 Section 75. For the purpose of incorporating the amendment
2450 made by this act to section 938.23, Florida Statutes, in a
2451 reference thereto, paragraph (1) of subsection (1) of section
2452 921.187, Florida Statutes, is reenacted to read:

2453 921.187 Disposition and sentencing; alternatives;
2454 restitution.—

2455 (1) The alternatives provided in this section for the
2456 disposition of criminal cases shall be used in a manner that
2457 will best serve the needs of society, punish criminal offenders,
2458 and provide the opportunity for rehabilitation. If the offender
2459 does not receive a state prison sentence, the court may:

2460 (1)1. Require the offender who violates any criminal
2461 provision of chapter 893 to pay an additional assessment in an
2462 amount up to the amount of any fine imposed, pursuant to ss.
2463 938.21 and 938.23.

2464 2. Require the offender who violates any provision of s.
2465 893.13 to pay an additional assessment in an amount of \$100,

6-01030A-21

20211926__

2466 pursuant to ss. 938.055 and 943.361.

2467 Section 76. For the purpose of incorporating the amendment
2468 made by this act to section 938.29, Florida Statutes, in a
2469 reference thereto, section 27.562, Florida Statutes, is
2470 reenacted to read:

2471 27.562 Disposition of funds.—All funds collected pursuant
2472 to s. 938.29 shall be remitted to the Department of Revenue for
2473 deposit into the Indigent Criminal Defense Trust Fund
2474 administered by the Justice Administrative Commission pursuant
2475 to s. 27.525. The Justice Administrative Commission shall
2476 account for funds deposited into the Indigent Criminal Defense
2477 Trust Fund by circuit. Appropriations from the fund shall be
2478 proportional to each circuit's collections. All judgments
2479 entered pursuant to this part shall be in the name of the state.

2480 Section 77. For the purpose of incorporating the amendment
2481 made by this act to section 938.29, Florida Statutes, in a
2482 reference thereto, paragraph (b) of subsection (3) of section
2483 27.702, Florida Statutes, is reenacted to read:

2484 27.702 Duties of the capital collateral regional counsel;
2485 reports.—

2486 (3)

2487 (b) The court having jurisdiction over any nonindigent or
2488 indigent-but-able-to-contribute defendant who has been receiving
2489 the services of the capital collateral regional counsel may
2490 assess attorney's fees and costs against the defendant at any
2491 stage in the proceedings as the court may deem appropriate. The
2492 determination of indigence of any defendant shall be made
2493 pursuant to s. 27.52. Liability for the costs of such
2494 representation may be imposed in the form of a lien against the

6-01030A-21

20211926__

2495 property of the nonindigent or indigent-but-able-to-contribute
2496 defendant, which lien shall be enforceable as provided in s.
2497 27.561 or s. 938.29.

2498 Section 78. For the purpose of incorporating the amendment
2499 made by this act to section 938.29, Florida Statutes, in a
2500 reference thereto, subsection (6) of section 28.246, Florida
2501 Statutes, is reenacted to read:

2502 28.246 Payment of court-related fines or other monetary
2503 penalties, fees, charges, and costs; partial payments;
2504 distribution of funds.—

2505 (6) A clerk of court shall pursue the collection of any
2506 fees, service charges, fines, court costs, and liens for the
2507 payment of attorney fees and costs pursuant to s. 938.29 which
2508 remain unpaid after 90 days by referring the account to a
2509 private attorney who is a member in good standing of The Florida
2510 Bar or collection agent who is registered and in good standing
2511 pursuant to chapter 559. In pursuing the collection of such
2512 unpaid financial obligations through a private attorney or
2513 collection agent, the clerk of the court must have attempted to
2514 collect the unpaid amount through a collection court,
2515 collections docket, or other collections process, if any,
2516 established by the court, find this to be cost-effective and
2517 follow any applicable procurement practices. The collection fee,
2518 including any reasonable attorney's fee, paid to any attorney or
2519 collection agent retained by the clerk may be added to the
2520 balance owed in an amount not to exceed 40 percent of the amount
2521 owed at the time the account is referred to the attorney or
2522 agent for collection. The clerk shall give the private attorney
2523 or collection agent the application for the appointment of

6-01030A-21

20211926__

2524 court-appointed counsel regardless of whether the court file is
2525 otherwise confidential from disclosure.

2526 Section 79. For the purpose of incorporating the amendment
2527 made by this act to section 938.29, Florida Statutes, in
2528 references thereto, subsection (1) and paragraph (b) of
2529 subsection (2) of section 39.0134, Florida Statutes, are
2530 reenacted to read:

2531 39.0134 Appointed counsel; compensation.—

2532 (1) If counsel is entitled to receive compensation for
2533 representation pursuant to a court appointment in a dependency
2534 proceeding or a termination of parental rights proceeding
2535 pursuant to this chapter, compensation shall be paid in
2536 accordance with s. 27.5304. The state may acquire and enforce a
2537 lien upon court-ordered payment of attorney's fees and costs in
2538 the same manner prescribed in s. 938.29.

2539 (2)

2540 (b) If reasonable attorney's fees or costs are assessed,
2541 the court, at its discretion, may make payment of the fees or
2542 costs part of any case plan in dependency proceedings. However,
2543 a case plan may not remain open for the sole issue of payment of
2544 attorney's fees or costs. At the court's discretion, a lien upon
2545 court-ordered payment of attorney's fees and costs may be
2546 ordered by the court and enforced in the same manner prescribed
2547 in s. 938.29.

2548 Section 80. For the purpose of incorporating the amendment
2549 made by this act to section 938.29, Florida Statutes, in a
2550 reference thereto, subsection (3) of section 55.03, Florida
2551 Statutes, is reenacted to read:

2552 55.03 Judgments; rate of interest, generally.—

6-01030A-21

20211926__

2553 (3) The interest rate is established at the time a judgment
2554 is obtained and such interest rate shall be adjusted annually on
2555 January 1 of each year in accordance with the interest rate in
2556 effect on that date as set by the Chief Financial Officer until
2557 the judgment is paid, except for judgments entered by the clerk
2558 of the court pursuant to ss. 55.141, 61.14, 938.29, and 938.30,
2559 which shall not be adjusted annually.

2560 Section 81. For the purpose of incorporating the amendment
2561 made by this act to section 938.29, Florida Statutes, in a
2562 reference thereto, subsection (9) of section 938.30, Florida
2563 Statutes, is reenacted to read:

2564 938.30 Financial obligations in criminal cases;
2565 supplementary proceedings.—

2566 (9) The clerk of the court shall enforce, satisfy,
2567 compromise, settle, subordinate, release, or otherwise dispose
2568 of any debts or liens imposed and collected under this section
2569 in the same manner as prescribed in s. 938.29(3).

2570 Section 82. For the purpose of incorporating the amendment
2571 made by this act to section 938.29, Florida Statutes, in a
2572 reference thereto, section 947.18, Florida Statutes, is
2573 reenacted to read:

2574 947.18 Conditions of parole.—No person shall be placed on
2575 parole merely as a reward for good conduct or efficient
2576 performance of duties assigned in prison. No person shall be
2577 placed on parole until and unless the commission finds that
2578 there is reasonable probability that, if the person is placed on
2579 parole, he or she will live and conduct himself or herself as a
2580 respectable and law-abiding person and that the person's release
2581 will be compatible with his or her own welfare and the welfare

6-01030A-21

20211926__

2582 of society. No person shall be placed on parole unless and until
2583 the commission is satisfied that he or she will be suitably
2584 employed in self-sustaining employment or that he or she will
2585 not become a public charge. The commission shall determine the
2586 terms upon which such person shall be granted parole. If the
2587 person's conviction was for a controlled substance violation,
2588 one of the conditions must be that the person submit to random
2589 substance abuse testing intermittently throughout the term of
2590 supervision, upon the direction of the correctional probation
2591 officer as defined in s. 943.10(3). In addition to any other
2592 lawful condition of parole, the commission may make the payment
2593 of the debt due and owing to the state under s. 960.17 or the
2594 payment of the attorney's fees and costs due and owing to the
2595 state under s. 938.29 a condition of parole subject to
2596 modification based on change of circumstances. If the person's
2597 conviction was for a crime that was found to have been committed
2598 for the purpose of benefiting, promoting, or furthering the
2599 interests of a criminal gang, one of the conditions must be that
2600 the person be prohibited from knowingly associating with other
2601 criminal gang members or associates, except as authorized by law
2602 enforcement officials, prosecutorial authorities, or the court,
2603 for the purpose of aiding in the investigation of criminal
2604 activity.

2605 Section 83. For the purpose of incorporating the amendment
2606 made by this act to section 939.185, Florida Statutes, in
2607 references thereto, subsections (1), (2), and (4) of section
2608 938.17, Florida Statutes, are reenacted to read:

2609 938.17 County delinquency prevention; juvenile assessment
2610 centers and school board suspension programs.—

6-01030A-21

20211926__

2611 (1) Prior to the use of costs received pursuant to s.
2612 939.185, the sheriff's office of the county must be a partner in
2613 a written agreement with the Department of Juvenile Justice to
2614 participate in a juvenile assessment center or with the district
2615 school board to participate in a suspension program.

2616 (2) Assessments collected by clerks of the circuit courts
2617 comprised of more than one county shall remit the funds
2618 collected pursuant to s. 939.185 to the county in which the
2619 offense at issue was committed for deposit and disbursement.

2620 (4) A sheriff's office that receives proceeds pursuant to
2621 s. 939.185 shall account for all funds annually by August 1 in a
2622 written report to the juvenile justice circuit advisory board if
2623 funds are used for assessment centers, and to the district
2624 school board if funds are used for suspension programs.

2625 Section 84. For the purpose of incorporating the amendment
2626 made by this act to section 948.09, Florida Statutes, in
2627 references thereto, paragraph (b) of subsection (2) and
2628 paragraph (b) of subsection (7) of section 944.4731, Florida
2629 Statutes, are reenacted to read:

2630 944.4731 Addiction-Recovery Supervision Program.—

2631 (2)

2632 (b) An offender released under addiction-recovery
2633 supervision shall be subject to specified terms and conditions,
2634 including payment of the costs of supervision under s. 948.09
2635 and any other court-ordered payments, such as child support and
2636 restitution. If an offender has received a term of probation or
2637 community control to be served after release from incarceration,
2638 the period of probation or community control may not be
2639 substituted for addiction-recovery supervision and shall follow

6-01030A-21

20211926__

2640 the term of addiction-recovery supervision. A panel of not fewer
2641 than two commissioners shall establish the terms and conditions
2642 of supervision, and the terms and conditions must be included in
2643 the supervision order. In setting the terms and conditions of
2644 supervision, the commission shall weigh heavily the program
2645 requirements, including, but not limited to, work at paid
2646 employment while participating in treatment and traveling
2647 restrictions. The commission shall also determine whether an
2648 offender violates the terms and conditions of supervision and
2649 whether a violation warrants revocation of addiction-recovery
2650 supervision pursuant to s. 947.141. The commission shall review
2651 the offender's record for the purpose of establishing the terms
2652 and conditions of supervision. The commission may impose any
2653 special conditions it considers warranted from its review of the
2654 record. The length of supervision may not exceed the maximum
2655 penalty imposed by the court.

2656 (7) While participating in a substance abuse transition
2657 housing program, an offender shall:

2658 (b) Pay fees to defray program costs, costs of supervision
2659 required under s. 948.09, and any restitution or obligations for
2660 child support.

2661 Section 85. For the purpose of incorporating the amendment
2662 made by this act to section 948.09, Florida Statutes, in a
2663 reference thereto, subsection (2) of section 947.1405, Florida
2664 Statutes, is reenacted to read:

2665 947.1405 Conditional release program.—

2666 (2) Any inmate who:

2667 (a) Is convicted of a crime committed on or after October
2668 1, 1988, and before January 1, 1994, and any inmate who is

6-01030A-21

20211926__

2669 convicted of a crime committed on or after January 1, 1994,
2670 which crime is or was contained in category 1, category 2,
2671 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
2672 Rules of Criminal Procedure (1993), and who has served at least
2673 one prior felony commitment at a state or federal correctional
2674 institution;

2675 (b) Is sentenced as a habitual or violent habitual offender
2676 or a violent career criminal pursuant to s. 775.084; or

2677 (c) Is found to be a sexual predator under s. 775.21 or
2678 former s. 775.23,

2679
2680 shall, upon reaching the tentative release date or provisional
2681 release date, whichever is earlier, as established by the
2682 Department of Corrections, be released under supervision subject
2683 to specified terms and conditions, including payment of the cost
2684 of supervision pursuant to s. 948.09. Such supervision shall be
2685 applicable to all sentences within the overall term of sentences
2686 if an inmate's overall term of sentences includes one or more
2687 sentences that are eligible for conditional release supervision
2688 as provided herein. Effective July 1, 1994, and applicable for
2689 offenses committed on or after that date, the commission may
2690 require, as a condition of conditional release, that the
2691 releasee make payment of the debt due and owing to a county or
2692 municipal detention facility under s. 951.032 for medical care,
2693 treatment, hospitalization, or transportation received by the
2694 releasee while in that detention facility. The commission, in
2695 determining whether to order such repayment and the amount of
2696 such repayment, shall consider the amount of the debt, whether
2697 there was any fault of the institution for the medical expenses

6-01030A-21

20211926__

2698 incurred, the financial resources of the releasee, the present
2699 and potential future financial needs and earning ability of the
2700 releasee, and dependents, and other appropriate factors. If any
2701 inmate placed on conditional release supervision is also subject
2702 to probation or community control, resulting from a probationary
2703 or community control split sentence within the overall term of
2704 sentences, the Department of Corrections shall supervise such
2705 person according to the conditions imposed by the court and the
2706 commission shall defer to such supervision. If the court revokes
2707 probation or community control and resentences the offender to a
2708 term of incarceration, such revocation also constitutes a
2709 sufficient basis for the revocation of the conditional release
2710 supervision on any nonprobationary or noncommunity control
2711 sentence without further hearing by the commission. If any such
2712 supervision on any nonprobationary or noncommunity control
2713 sentence is revoked, such revocation may result in a forfeiture
2714 of all gain-time, and the commission may revoke the resulting
2715 deferred conditional release supervision or take other action it
2716 considers appropriate. If the term of conditional release
2717 supervision exceeds that of the probation or community control,
2718 then, upon expiration of the probation or community control,
2719 authority for the supervision shall revert to the commission and
2720 the supervision shall be subject to the conditions imposed by
2721 the commission. A panel of no fewer than two commissioners shall
2722 establish the terms and conditions of any such release. If the
2723 offense was a controlled substance violation, the conditions
2724 shall include a requirement that the offender submit to random
2725 substance abuse testing intermittently throughout the term of
2726 conditional release supervision, upon the direction of the

6-01030A-21

20211926__

2727 correctional probation officer as defined in s. 943.10(3). The
2728 commission shall also determine whether the terms and conditions
2729 of such release have been violated and whether such violation
2730 warrants revocation of the conditional release.

2731 Section 86. For the purpose of incorporating the amendment
2732 made by this act to section 948.09, Florida Statutes, in a
2733 reference thereto, subsection (6) of section 948.01, Florida
2734 Statutes, is reenacted to read:

2735 948.01 When court may place defendant on probation or into
2736 community control.—

2737 (6) When the court, under any of the foregoing subsections,
2738 places a defendant on probation or into community control, it
2739 may specify that the defendant serve all or part of the
2740 probationary or community control period in a community
2741 residential or nonresidential facility under the jurisdiction of
2742 the Department of Corrections or the Department of Children and
2743 Families or any public or private entity providing such
2744 services, and it shall require the payment prescribed in s.
2745 948.09.

2746 Section 87. For the purpose of incorporating the amendment
2747 made by this act to section 948.09, Florida Statutes, in a
2748 reference thereto, subsection (1) of section 948.013, Florida
2749 Statutes, is reenacted to read:

2750 948.013 Administrative probation.—

2751 (1) The Department of Corrections may transfer an offender
2752 to administrative probation if he or she presents a low risk of
2753 harm to the community and has satisfactorily completed at least
2754 half of his or her probation term. The department may establish
2755 procedures for transferring an offender to administrative

6-01030A-21

20211926__

2756 probation. The department may collect an initial processing fee
2757 of up to \$50 for each probationer transferred to administrative
2758 probation. The offender is exempt from further payment for the
2759 cost of supervision as required in s. 948.09.

2760 Section 88. For the purpose of incorporating the amendment
2761 made by this act to section 948.09, Florida Statutes, in a
2762 reference thereto, subsection (5) of section 948.06, Florida
2763 Statutes, is reenacted to read:

2764 948.06 Violation of probation or community control;
2765 revocation; modification; continuance; failure to pay
2766 restitution or cost of supervision.—

2767 (5) In any hearing in which the failure of a probationer or
2768 offender in community control to pay restitution or the cost of
2769 supervision as provided in s. 948.09, as directed, is
2770 established by the state, if the probationer or offender asserts
2771 his or her inability to pay restitution or the cost of
2772 supervision, it is incumbent upon the probationer or offender to
2773 prove by clear and convincing evidence that he or she does not
2774 have the present resources available to pay restitution or the
2775 cost of supervision despite sufficient bona fide efforts legally
2776 to acquire the resources to do so. If the probationer or
2777 offender cannot pay restitution or the cost of supervision
2778 despite sufficient bona fide efforts, the court shall consider
2779 alternate measures of punishment other than imprisonment. Only
2780 if alternate measures are not adequate to meet the state's
2781 interests in punishment and deterrence may the court imprison a
2782 probationer or offender in community control who has
2783 demonstrated sufficient bona fide efforts to pay restitution or
2784 the cost of supervision.

6-01030A-21

20211926__

2785 Section 89. For the purpose of incorporating the amendment
2786 made by this act to section 948.09, Florida Statutes, in a
2787 reference thereto, subsection (5) of section 948.11, Florida
2788 Statutes, is reenacted to read:

2789 948.11 Electronic monitoring devices.—

2790 (5) Any person being electronically monitored by the
2791 department as a result of being placed on supervision shall pay
2792 the department for the electronic monitoring services as
2793 provided in s. 948.09(2).

2794 Section 90. For the purpose of incorporating the amendment
2795 made by this act to section 960.28, Florida Statutes, in a
2796 reference thereto, subsection (5) of section 39.304, Florida
2797 Statutes, is reenacted to read:

2798 39.304 Photographs, medical examinations, X rays, and
2799 medical treatment of abused, abandoned, or neglected child.—

2800 (5) The county in which the child is a resident shall bear
2801 the initial costs of the examination of the allegedly abused,
2802 abandoned, or neglected child; however, the parents or legal
2803 custodian of the child shall be required to reimburse the county
2804 for the costs of such examination, other than an initial
2805 forensic physical examination as provided in s. 960.28, and to
2806 reimburse the department for the cost of the photographs taken
2807 pursuant to this section. A medical provider may not bill a
2808 child victim, directly or indirectly, for the cost of an initial
2809 forensic physical examination.

2810 Section 91. For the purpose of incorporating the amendment
2811 made by this act to section 960.28, Florida Statutes, in a
2812 reference thereto, section 624.128, Florida Statutes, is
2813 reenacted to read:

6-01030A-21

20211926__

2814 624.128 Crime victims exemption.—Any other provision of the
2815 Florida Statutes to the contrary notwithstanding, the deductible
2816 or copayment provision of any insurance policy shall not be
2817 applicable to a person determined eligible pursuant to the
2818 Florida Crimes Compensation Act, excluding s. 960.28.

2819 Section 92. For the purpose of incorporating the amendment
2820 made by this act to section 960.28, Florida Statutes, in a
2821 reference thereto, paragraph (c) of subsection (6) of section
2822 960.13, Florida Statutes, is reenacted to read:

2823 960.13 Awards.—

2824 (6) Any award made pursuant to this chapter, except an
2825 award for loss of support or catastrophic injury, shall be
2826 reduced by the amount of any payments or services received or to
2827 be received by the claimant as a result of the injury or death:

2828 (c) From agencies mandated by other Florida statutes to
2829 provide or pay for services, except as provided in s. 960.28.

2830 Section 93. For the purpose of incorporating the amendment
2831 made by this act to section 985.033, Florida Statutes, in a
2832 reference thereto, paragraph (b) of subsection (4) of section
2833 984.09, Florida Statutes, is reenacted to read:

2834 984.09 Punishment for contempt of court; alternative
2835 sanctions.—

2836 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
2837 PROCESS.—

2838 (b) If a child is charged with indirect contempt of court,
2839 the court must hold a hearing within 24 hours to determine
2840 whether the child committed indirect contempt of a valid court
2841 order. At the hearing, the following due process rights must be
2842 provided to the child:

6-01030A-21

20211926__

2843 1. Right to a copy of the order to show cause alleging
2844 facts supporting the contempt charge.

2845 2. Right to an explanation of the nature and the
2846 consequences of the proceedings.

2847 3. Right to legal counsel and the right to have legal
2848 counsel appointed by the court if the juvenile is indigent,
2849 pursuant to s. 985.033.

2850 4. Right to confront witnesses.

2851 5. Right to present witnesses.

2852 6. Right to have a transcript or record of the proceeding.

2853 7. Right to appeal to an appropriate court.

2854

2855 The child's parent or guardian may address the court regarding
2856 the due process rights of the child. The court shall review the
2857 placement of the child every 72 hours to determine whether it is
2858 appropriate for the child to remain in the facility.

2859 Section 94. For the purpose of incorporating the amendment
2860 made by this act to section 985.033, Florida Statutes, in a
2861 reference thereto, subsection (2) of section 984.226, Florida
2862 Statutes, is reenacted to read:

2863 984.226 Physically secure setting.—

2864 (2) When a petition is filed alleging that a child is a
2865 child in need of services, the child must be represented by
2866 counsel at each court appearance unless the record in that
2867 proceeding affirmatively demonstrates by clear and convincing
2868 evidence that the child knowingly and intelligently waived the
2869 right to counsel after being fully advised by the court of the
2870 nature of the proceedings and the dispositional alternatives
2871 available to the court under this section. If the court decides

6-01030A-21

20211926__

2872 to appoint counsel for the child and if the child is indigent,
2873 the court shall appoint an attorney to represent the child as
2874 provided under s. 985.033. Nothing precludes the court from
2875 requesting reimbursement of attorney's fees and costs from the
2876 nonindigent parent or legal guardian.

2877 Section 95. For the purpose of incorporating the amendment
2878 made by this act to section 985.033, Florida Statutes, in a
2879 reference thereto, paragraph (b) of subsection (4) of section
2880 985.037, Florida Statutes, is reenacted to read:

2881 985.037 Punishment for contempt of court; alternative
2882 sanctions.—

2883 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
2884 PROCESS.—

2885 (b) If a child is charged with indirect contempt of court,
2886 the court must hold a hearing within 24 hours to determine
2887 whether the child committed indirect contempt of a valid court
2888 order. At the hearing, the following due process rights must be
2889 provided to the child:

2890 1. Right to a copy of the order to show cause alleging
2891 facts supporting the contempt charge.

2892 2. Right to an explanation of the nature and the
2893 consequences of the proceedings.

2894 3. Right to legal counsel and the right to have legal
2895 counsel appointed by the court if the juvenile is indigent,
2896 under s. 985.033.

2897 4. Right to confront witnesses.

2898 5. Right to present witnesses.

2899 6. Right to have a transcript or record of the proceeding.

2900 7. Right to appeal to an appropriate court.

6-01030A-21

20211926__

2901
2902 The child's parent or guardian may address the court regarding
2903 the due process rights of the child. Upon motion by the defense
2904 attorney or state attorney, the court shall review the placement
2905 of the child to determine whether it is appropriate for the
2906 child to remain in the facility.

2907 Section 96. For the purpose of incorporating the amendment
2908 made by this act to section 985.033, Florida Statutes, in a
2909 reference thereto, section 985.511, Florida Statutes, is
2910 reenacted to read:

2911 985.511 Costs of representation.—The responsibilities of
2912 the parents or legal guardian of the child to pay costs
2913 associated with the representation of the child are prescribed
2914 under s. 985.033.

2915 Section 97. For the purpose of incorporating the amendment
2916 made by this act to section 985.12, Florida Statutes, in a
2917 reference thereto, paragraph (b) of subsection (3) of section
2918 943.051, Florida Statutes, is reenacted to read:

2919 943.051 Criminal justice information; collection and
2920 storage; fingerprinting.—

2921 (3)

2922 (b) A minor who is charged with or found to have committed
2923 the following offenses shall be fingerprinted and the
2924 fingerprints shall be submitted electronically to the
2925 department, unless the minor is issued a civil citation pursuant
2926 to s. 985.12:

- 2927 1. Assault, as defined in s. 784.011.
2928 2. Battery, as defined in s. 784.03.
2929 3. Carrying a concealed weapon, as defined in s. 790.01(1).

6-01030A-21

20211926__

2930 4. Unlawful use of destructive devices or bombs, as defined
 2931 in s. 790.1615(1).

2932 5. Neglect of a child, as defined in s. 827.03(1)(e).

2933 6. Assault or battery on a law enforcement officer, a
 2934 firefighter, or other specified officers, as defined in s.
 2935 784.07(2)(a) and (b).

2936 7. Open carrying of a weapon, as defined in s. 790.053.

2937 8. Exposure of sexual organs, as defined in s. 800.03.

2938 9. Unlawful possession of a firearm, as defined in s.
 2939 790.22(5).

2940 10. Petit theft, as defined in s. 812.014(3).

2941 11. Cruelty to animals, as defined in s. 828.12(1).

2942 12. Arson, as defined in s. 806.031(1).

2943 13. Unlawful possession or discharge of a weapon or firearm
 2944 at a school-sponsored event or on school property, as provided
 2945 in s. 790.115.

2946 Section 98. For the purpose of incorporating the amendment
 2947 made by this act to section 985.12, Florida Statutes, in a
 2948 reference thereto, paragraph (b) of subsection (1) of section
 2949 985.11, Florida Statutes, is reenacted to read:

2950 985.11 Fingerprinting and photographing.—

2951 (1)

2952 (b) Unless the child is issued a civil citation or is
 2953 participating in a similar diversion program pursuant to s.
 2954 985.12, a child who is charged with or found to have committed
 2955 one of the following offenses shall be fingerprinted, and the
 2956 fingerprints shall be submitted to the Department of Law
 2957 Enforcement as provided in s. 943.051(3)(b):

2958 1. Assault, as defined in s. 784.011.

6-01030A-21

20211926__

- 2959 2. Battery, as defined in s. 784.03.
- 2960 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 2961 4. Unlawful use of destructive devices or bombs, as defined
- 2962 in s. 790.1615(1).
- 2963 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 2964 6. Assault on a law enforcement officer, a firefighter, or
- 2965 other specified officers, as defined in s. 784.07(2)(a).
- 2966 7. Open carrying of a weapon, as defined in s. 790.053.
- 2967 8. Exposure of sexual organs, as defined in s. 800.03.
- 2968 9. Unlawful possession of a firearm, as defined in s.
- 2969 790.22(5).
- 2970 10. Petit theft, as defined in s. 812.014.
- 2971 11. Cruelty to animals, as defined in s. 828.12(1).
- 2972 12. Arson, resulting in bodily harm to a firefighter, as
- 2973 defined in s. 806.031(1).
- 2974 13. Unlawful possession or discharge of a weapon or firearm
- 2975 at a school-sponsored event or on school property as defined in
- 2976 s. 790.115.
- 2977
- 2978 A law enforcement agency may fingerprint and photograph a child
- 2979 taken into custody upon probable cause that such child has
- 2980 committed any other violation of law, as the agency deems
- 2981 appropriate. Such fingerprint records and photographs shall be
- 2982 retained by the law enforcement agency in a separate file, and
- 2983 these records and all copies thereof must be marked "Juvenile
- 2984 Confidential." These records are not available for public
- 2985 disclosure and inspection under s. 119.07(1) except as provided
- 2986 in ss. 943.053 and 985.04(2), but shall be available to other
- 2987 law enforcement agencies, criminal justice agencies, state

6-01030A-21

20211926__

2988 attorneys, the courts, the child, the parents or legal
2989 custodians of the child, their attorneys, and any other person
2990 authorized by the court to have access to such records. In
2991 addition, such records may be submitted to the Department of Law
2992 Enforcement for inclusion in the state criminal history records
2993 and used by criminal justice agencies for criminal justice
2994 purposes. These records may, in the discretion of the court, be
2995 open to inspection by anyone upon a showing of cause. The
2996 fingerprint and photograph records shall be produced in the
2997 court whenever directed by the court. Any photograph taken
2998 pursuant to this section may be shown by a law enforcement
2999 officer to any victim or witness of a crime for the purpose of
3000 identifying the person who committed such crime.

3001 Section 99. For the purpose of incorporating the amendments
3002 made by this act to sections 985.12 and 985.155, Florida
3003 Statutes, in references thereto, paragraph (a) of subsection (2)
3004 of section 943.0582, Florida Statutes, is reenacted to read:

3005 943.0582 Diversion program expunction.—

3006 (2) As used in this section, the term:

3007 (a) "Diversion program" means a program under s. 985.12, s.
3008 985.125, s. 985.155, or s. 985.16 or a program to which a
3009 referral is made by a state attorney under s. 985.15.

3010 Section 100. For the purpose of incorporating the amendment
3011 made by this act to section 985.18, Florida Statutes, in a
3012 reference thereto, subsection (4) of section 790.115, Florida
3013 Statutes, is reenacted to read:

3014 790.115 Possessing or discharging weapons or firearms at a
3015 school-sponsored event or on school property prohibited;
3016 penalties; exceptions.—

6-01030A-21

20211926__

3017 (4) Notwithstanding s. 985.24, s. 985.245, or s. 985.25(1),
3018 any minor under 18 years of age who is charged under this
3019 section with possessing or discharging a firearm on school
3020 property shall be detained in secure detention, unless the state
3021 attorney authorizes the release of the minor, and shall be given
3022 a probable cause hearing within 24 hours after being taken into
3023 custody. At the hearing, the court may order that the minor
3024 continue to be held in secure detention for a period of 21 days,
3025 during which time the minor shall receive medical, psychiatric,
3026 psychological, or substance abuse examinations pursuant to s.
3027 985.18, and a written report shall be completed.

3028 Section 101. For the purpose of incorporating the amendment
3029 made by this act to section 985.18, Florida Statutes, in a
3030 reference thereto, subsection (2) of section 985.64, Florida
3031 Statutes, is reenacted to read:

3032 985.64 Rulemaking.—

3033 (2) The department shall adopt rules to ensure the
3034 effective provision of health services to youth in facilities or
3035 programs operated or contracted by the department. The rules
3036 shall address the delivery of the following:

3037 (a) Ordinary medical care.

3038 (b) Mental health services.

3039 (c) Substance abuse treatment services.

3040 (d) Services to youth with developmental disabilities.

3041
3042 The department shall coordinate its rulemaking with the
3043 Department of Children and Families and the Agency for Persons
3044 with Disabilities to ensure that the rules adopted under this
3045 section do not encroach upon the substantive jurisdiction of

6-01030A-21

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3046 those agencies. The department shall include the above-mentioned
3047 entities in the rulemaking process, as appropriate. This
3048 subsection does not supersede the provisions governing consent
3049 to treatment and services found in ss. 39.407, 743.0645, and
3050 985.18, or otherwise provided by law.

3051 Section 102. This act shall take effect July 1, 2021.