

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Ray offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 903.286, Florida Statutes, is amended  
 7 to read:

8 903.286 Return of cash bond; requirement to withhold  
 9 unpaid fines, fees, court costs; cash bond forms.—

10 (1) Notwithstanding s. 903.31(2), the clerk of the court  
 11 shall withhold from the return of a cash bond posted on behalf  
 12 of a criminal defendant by a person other than a bail bond agent  
 13 licensed pursuant to chapter 648 sufficient funds to pay any  
 14 unpaid costs of prosecution, costs of representation as provided  
 15 by s. 27.52, court fees, court costs, and criminal penalties. If  
 16 sufficient funds are not available to pay all unpaid costs of  
 17 prosecution, costs of representation as provided by s. 27.52,  
 18 court fees, court costs, and criminal penalties, the clerk of  
 19 the court shall immediately obtain payment from the defendant or

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20 enroll the defendant in a payment plan pursuant to s. 28.246.

21 (2) All cash bond forms used in conjunction with the  
22 requirements of s. 903.09 must prominently display a notice  
23 explaining that all funds are subject to forfeiture and  
24 withholding by the clerk of the court for the payment of costs  
25 of prosecution, costs of representation as provided by s. 27.52,  
26 court fees, court costs, and criminal penalties on behalf of the  
27 criminal defendant regardless of who posted the funds.

28 Section 2. Subsection (6) of section 938.27, Florida  
29 Statutes, is amended to read:

30 938.27 Judgment for costs of prosecution and investigation  
31 on conviction.-

32 (6) The clerk of the court shall collect and dispense cost  
33 payments in any case regardless of whether the disposition of  
34 the case takes place before the judge in open court or in any  
35 other manner provided by law.

36 Section 3. Section 985.032, Florida Statutes, is amended  
37 to read:

38 985.032 Legal representation for delinquency cases.-

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

41 (2) A juvenile who has been adjudicated delinquent or has  
42 adjudication of delinquency withheld shall be assessed costs of  
43 prosecution as provided in s. 938.27.

44 Section 4. This act shall take effect July 1, 2012.  
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**T I T L E   A M E N D M E N T**

Remove the entire title and insert:

An act relating to costs of prosecution, investigation, and representation; amending s. 903.286, F.S.; providing for the withholding of unpaid costs of prosecution and representation from the return of a cash bond posted on behalf of a criminal defendant; requiring a notice on bond forms of such possible withholding; amending s. 938.27, F.S.; clarifying the types of cases that are subject to the collection and dispensing of cost payments by the clerk of the court; amending s. 985.032, F.S.; providing for assessment of costs of prosecution against a juvenile who has been adjudicated delinquent or has adjudication of delinquency withheld; providing an effective date.