

1 A bill to be entitled
 2 An act relating to costs of prosecution,
 3 investigation, and representation; amending s.
 4 903.286, F.S.; providing for the withholding of unpaid
 5 costs of prosecution and representation from the
 6 return of a cash bond posted on behalf of a criminal
 7 defendant; requiring a notice on bond forms of such
 8 possible withholding; amending s. 938.27, F.S.;
 9 clarifying the types of cases that are subject to the
 10 collection and dispensing of cost payments by the
 11 clerk of the court; amending s. 985.032, F.S.;
 12 providing for assessment of costs of prosecution
 13 against a juvenile who has been adjudicated delinquent
 14 or has adjudication of delinquency withheld; providing
 15 an effective date.

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

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 19 Section 1. Section 903.286, Florida Statutes, is amended
 20 to read:

21 903.286 Return of cash bond; requirement to withhold
 22 unpaid fines, fees, court costs; cash bond forms.—

23 (1) Notwithstanding s. 903.31(2), the clerk of the court
 24 shall withhold from the return of a cash bond posted on behalf
 25 of a criminal defendant by a person other than a bail bond agent
 26 licensed pursuant to chapter 648 sufficient funds to pay any
 27 unpaid costs of prosecution, costs of representation as provided
 28 by s. 27.52, court fees, court costs, and criminal penalties. If

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29 sufficient funds are not available to pay all unpaid costs of
30 prosecution, costs of representation as provided by s. 27.52,
31 court fees, court costs, and criminal penalties, the clerk of
32 the court shall immediately obtain payment from the defendant or
33 enroll the defendant in a payment plan pursuant to s. 28.246.

34 (2) All cash bond forms used in conjunction with the
35 requirements of s. 903.09 must prominently display a notice
36 explaining that all funds are subject to forfeiture and
37 withholding by the clerk of the court for the payment of costs
38 of prosecution, costs of representation as provided by s. 27.52,
39 court fees, court costs, and criminal penalties on behalf of the
40 criminal defendant regardless of who posted the funds.

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

43 938.27 Judgment for costs of prosecution and investigation
44 ~~on conviction.~~-

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

49 Section 3. Section 985.032, Florida Statutes, is amended
50 to read:

51 985.032 Legal representation for delinquency cases.-

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

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

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Section 4. This act shall take effect July 1, 2012.