

By Senator Evers

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1 A bill to be entitled
2 An act relating to costs associated with the dismissal
3 of criminal charges; creating s. 939.061, F.S.;
4 entitling criminal defendants who successfully claim
5 immunity under s. 776.032, F.S., to an award of
6 specified costs and attorney fees; specifying a
7 procedure for submitting reimbursement requests;
8 requiring the Justice Administrative Commission to
9 audit and approve the reimbursement request if the
10 requested private attorney fees and costs are
11 reasonable and supported with valid documentation;
12 requiring reimbursements to be paid from the operating
13 trust fund of the state attorney who prosecuted the
14 defendant; limiting the amount of the award; 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 939.061, Florida Statutes, is created to
20 read:

21 939.061 Motion to dismiss; costs.-

22 (1) If a defendant files a motion to dismiss claiming
23 immunity from criminal prosecution under s. 776.032 and the
24 court grants the motion, the defendant shall be reimbursed for
25 court costs and reasonable private attorney fees incurred in
26 defending the criminal prosecution, up to the limit specified in
27 subsection (4).

28 (2) To receive reimbursement under this section, a
29 defendant must submit a written request for the reimbursement to

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30 the Justice Administrative Commission within 6 months of the
31 issuance of the order granting the motion to dismiss. The
32 defendant must include with the request an order from the court
33 granting the motion to dismiss and documentation of any court
34 costs or private attorney fees paid or owed.

35 (3) The Justice Administrative Commission shall audit and
36 make a determination within 30 days after receiving the request.
37 If the requested court costs are supported by valid
38 documentation and the requested private attorney fees are
39 reasonable and supported by valid documentation, the commission
40 shall approve the reimbursement request. Reimbursement of
41 approved requests shall be paid to the defendant from the
42 operating trust fund of the state attorney who prosecuted the
43 defendant within 60 days of receipt of the approved
44 reimbursement request.

45 (4) Reimbursement under this section may not exceed
46 \$200,000.

47 Section 2. This act shall take effect July 1, 2015.