

By Senator Stargel

22-00296-18

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1 A bill to be entitled
2 An act relating to costs of prosecution and
3 investigation; amending s. 938.27, F.S.; prohibiting
4 the inclusion in negotiated plea agreements of costs
5 for the state attorney which are greater than the
6 minimum allowed; reenacting s. 985.032(2), F.S.,
7 relating to assessing costs of prosecution to a
8 juvenile, to incorporate the amendment made to s.
9 938.27, F.S., in a reference thereto; providing an
10 effective date.

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

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14 Section 1. Present subsections (2) through (8) of section
15 938.27, Florida Statutes, are redesignated as subsections (3)
16 through (9), respectively, a new subsection (2) is added to that
17 section, and present subsection (8) of that section is amended,
18 to read:

19 938.27 Judgment for costs of prosecution and
20 investigation.—

21 (2) Costs for the state attorney must be set in all cases
22 at no less than \$50 per case when a misdemeanor or criminal
23 traffic offense is charged and no less than \$100 per case when a
24 felony offense is charged, including a proceeding in which the
25 underlying offense is a violation of probation or community
26 control. The court may set a higher amount upon a showing of
27 sufficient proof of higher costs incurred, however, that amount
28 may not be included as part of a negotiated plea agreement
29 proffered to the court for consideration.

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30 ~~(9)(8) Costs for the state attorney must be set in all~~
31 ~~cases at no less than \$50 per case when a misdemeanor or~~
32 ~~criminal traffic offense is charged and no less than \$100 per~~
33 ~~case when a felony offense is charged, including a proceeding in~~
34 ~~which the underlying offense is a violation of probation or~~
35 ~~community control. The court may set a higher amount upon a~~
36 ~~showing of sufficient proof of higher costs incurred. Costs~~
37 ~~recovered on behalf of the state attorney under this section~~
38 ~~must be deposited into the State Attorneys Revenue Trust Fund to~~
39 ~~be used during the fiscal year in which the funds are collected,~~
40 ~~or in any subsequent fiscal year, for actual expenses incurred~~
41 ~~in investigating and prosecuting criminal cases, which may~~
42 ~~include the salaries of permanent employees, or for any other~~
43 ~~purpose authorized by the Legislature.~~

44 Section 2. For the purpose of incorporating the amendment
45 made by this act to section 938.27, Florida Statutes, in a
46 reference thereto, subsection (2) of section 985.032, Florida
47 Statutes, is reenacted to read:

48 985.032 Legal representation for delinquency cases.—

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

52 Section 3. This act shall take effect July 1, 2018.