

1 A bill to be entitled
2 An act relating to attorney fees and costs; amending
3 s. 938.27, F.S.; specifying the limit of state
4 attorney costs in plea negotiation proffers; amending
5 s. 938.29, F.S.; specifying the limit of attorney fees
6 and costs in plea negotiation proffers; providing an
7 effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (8) of section 938.27, Florida
12 Statutes, is amended to read:

13 938.27 Judgment for costs of prosecution and
14 investigation.—

15 (8) Costs for the state attorney must be set in all cases
16 at no less than \$50 per case when a misdemeanor or criminal
17 traffic offense is charged and no less than \$100 per case when a
18 felony offense is charged, including a proceeding in which the
19 underlying offense is a violation of probation or community
20 control. In any plea negotiation proffered to the court, costs
21 for the state attorney may not exceed \$50 per case for a
22 misdemeanor or criminal traffic offense or \$100 per case for a
23 felony offense, including a proceeding in which the underlying
24 offense is a violation of probation or community control. The
25 court may set a higher amount upon a showing of sufficient proof

26 | of higher costs incurred. Costs recovered on behalf of the state
27 | attorney under this section must be deposited into the State
28 | Attorneys Revenue Trust Fund to be used during the fiscal year
29 | in which the funds are collected, or in any subsequent fiscal
30 | year, for actual expenses incurred in investigating and
31 | prosecuting criminal cases, which may include the salaries of
32 | permanent employees, or for any other purpose authorized by the
33 | Legislature.

34 | Section 2. Paragraph (a) of subsection (1) of section
35 | 938.29, Florida Statutes, is amended to read:

36 | 938.29 Legal assistance; lien for payment of attorney's
37 | fees or costs.—

38 | (1) (a) A defendant who is convicted of a criminal act or a
39 | violation of probation or community control and who has received
40 | the assistance of the public defender's office, a special
41 | assistant public defender, the office of criminal conflict and
42 | civil regional counsel, or a private conflict attorney, or who
43 | has received due process services after being found indigent for
44 | costs under s. 27.52, shall be liable for payment of the
45 | assessed application fee under s. 27.52 and attorney's fees and
46 | costs. Attorney's fees and costs shall be set in all cases at no
47 | less than \$50 per case when a misdemeanor or criminal traffic
48 | offense is charged and no less than \$100 per case when a felony
49 | offense is charged, including a proceeding in which the
50 | underlying offense is a violation of probation or community

51 | control. In any plea negotiation proffered to the court,
52 | attorney fees and costs may not exceed \$50 per case for a
53 | misdemeanor or criminal traffic offense or \$100 per case for a
54 | felony offense, including a proceeding in which the underlying
55 | offense is a violation of probation or community control. The
56 | court may set a higher amount upon a showing of sufficient proof
57 | of higher fees or costs incurred. For purposes of this section,
58 | "convicted" means a determination of guilt, or of violation of
59 | probation or community control, which is a result of a plea,
60 | trial, or violation proceeding, regardless of whether
61 | adjudication is withheld. The court shall include these fees and
62 | costs in every judgment rendered against the convicted person.

63 | Section 3. This act shall take effect July 1, 2020.