

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

10

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

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

17           938.27 Judgment for costs of prosecution and  
 18 investigation.—

19           (2) Costs for the state attorney must be set in all cases  
 20 at no less than \$50 per case when a misdemeanor or criminal  
 21 traffic offense is charged and no less than \$100 per case when a  
 22 felony offense is charged, including a proceeding in which the  
 23 underlying offense is a violation of probation or community  
 24 control. The court may set a higher amount upon a showing of  
 25 sufficient proof of higher costs incurred; however, any amount

26 | exceeding the statutory minimum for misdemeanor, criminal  
 27 | traffic, or felony costs may not be included as part of a  
 28 | negotiated plea agreement submitted to the court for  
 29 | consideration.

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

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51 prosecution as provided in s. 938.27.

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