

By the Committee on Criminal Justice; and Senator Simmons

591-02251-20

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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 required; 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, any amount
28 exceeding the statutory minimum misdemeanor, criminal traffic,
29 or felony costs may not be included as part of a negotiated plea

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30 agreement submitted to the court for consideration.

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

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

49 985.032 Legal representation for delinquency cases.—

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

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