

By Senator Martin

33-01162-23

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1                   A bill to be entitled  
2       An act relating to costs of prosecution and  
3       investigation; amending ss. 938.27 and 938.29, F.S.;  
4       increasing minimum attorney fees and costs in certain  
5       cases; providing an effective date.

6  
7 Be It Enacted by the Legislature of the State of Florida:

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9       Section 1. Subsection (8) of section 938.27, Florida  
10      Statutes, is amended to read:

11           938.27 Judgment for costs of prosecution and  
12      investigation.—

13           (8) Costs for the state attorney must be set in all cases  
14      at no less than \$100 ~~\$50~~ per case when a misdemeanor or criminal  
15      traffic offense is charged and no less than \$200 ~~\$100~~ per case  
16      when a felony offense is charged, including a proceeding in  
17      which the underlying offense is a violation of probation or  
18      community control. The court may set a higher amount upon a  
19      showing of sufficient proof of higher costs incurred. Costs  
20      recovered on behalf of the state attorney under this section  
21      must be deposited into the State Attorneys Revenue Trust Fund to  
22      be used during the fiscal year in which the funds are collected,  
23      or in any subsequent fiscal year, for actual expenses incurred  
24      in investigating and prosecuting criminal cases, which may  
25      include the salaries of permanent employees, or for any other  
26      purpose authorized by the Legislature.

27       Section 2. Paragraph (a) of subsection (1) of section  
28      938.29, Florida Statutes, is amended to read:

29           938.29 Legal assistance; lien for payment of attorney's

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30 fees or costs.—

31 (1) (a) A defendant who is convicted of a criminal act or a  
32 violation of probation or community control and who has received  
33 the assistance of the public defender's office, a special  
34 assistant public defender, the office of criminal conflict and  
35 civil regional counsel, or a private conflict attorney, or who  
36 has received due process services after being found indigent for  
37 costs under s. 27.52, shall be liable for payment of the  
38 assessed application fee under s. 27.52 and attorney ~~attorney's~~  
39 ~~fees and costs.~~ Attorney ~~Attorney's~~ fees and costs must ~~shall~~ be  
40 set in all cases at no less than \$100 ~~\$50~~ per case when a  
41 misdemeanor or criminal traffic offense is charged and no less  
42 than \$200 ~~\$100~~ per case when a felony offense is charged,  
43 including a proceeding in which the underlying offense is a  
44 violation of probation or community control. The court may set a  
45 higher amount upon a showing of sufficient proof of higher fees  
46 or costs incurred. For purposes of this section, "convicted"  
47 means a determination of guilt, or of violation of probation or  
48 community control, which is a result of a plea, trial, or  
49 violation proceeding, regardless of whether adjudication is  
50 withheld. The court shall include these fees and costs in every  
51 judgment rendered against the convicted person.

52 Section 3. This act shall take effect July 1, 2023.