

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 311 — Costs of Prosecution, Investigation, and Representation

by Justice Appropriations Subcommittee and Rep. Ray (CS/SB 288 by Judiciary Committee and Senator Bradley)

The bill adds the costs of prosecution and the costs of representation by the public defender to the list of costs a clerk of the court is required to withhold from the return of a cash bond posted on behalf of a criminal defendant by a person other than a bail bond agent. If such payments are not made from the cash bond, the clerk is required to obtain payment from a defendant or, if sufficient funds are not available, require the defendant to enroll in a payment plan. Cash bond forms must display notice of the funds being subject to forfeiture for payment of costs of prosecution as well as other costs, fees, and fines.

The bill requires the clerk of the court to collect and disburse costs of prosecution in all cases, regardless of whether the cases are disposed of before a judge in open court. These particular cases include criminal traffic violations in which the defendant may elect to show proof of compliance to the clerk and enter a plea of no contest.

The bill also requires that costs of prosecution be assessed for juveniles who have been adjudicated delinquent or have adjudication of delinquency withheld; however, the court may order the juvenile to complete community service in lieu of paying the cost if the court finds that the juvenile is unable to pay the cost.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 37-0; House 116-0