

By Senator Grant

13-1438-98

See HB

1 A bill to be entitled
2 An act relating to prosecutions; amending s.
3 27.365, F.S, relating to the annual report by
4 the Florida Prosecuting Attorneys Association
5 regarding prosecutions; requiring inclusion of
6 certain additional information in the report on
7 victim notification; requiring inclusion of
8 certain dispositional information for cases
9 involving domestic violence, violations of
10 injunctions for protection against domestic
11 violence or repeat violence, stalking, or
12 sexual battery; specifying that the report
13 shall be made available for public inspection;
14 removing obsolete provision; conforming a
15 reference; providing an effective date.

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

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19 Section 1. Section 27.365, Florida Statutes, is
20 amended to read:

21 27.365 Florida Prosecuting Attorneys Association;
22 annual report regarding prosecutions.--By February 1st of each
23 year ~~beginning in 1997~~, the Florida Prosecuting Attorneys
24 Association shall report to the President and Minority Leader
25 of the Senate, the Speaker and Minority Leader of the House of
26 Representatives, and ~~to~~ the appropriate substantive committees
27 of each chamber regarding:

28 (1) Prosecutions for offenses during the previous
29 calendar year under ss. 794.011, 794.05, 800.04, and 827.04(3)
30 ~~(4)~~ when the victim of the offense was less than 18 years of
31 age. This report must include, by judicial circuit, the

1 following information in summary format for each offense: the
2 initial charge in each case; the age of the victim and the age
3 of the offender; the charge ultimately prosecuted, if any;
4 whether the case went to trial or was resolved by plea
5 agreement; whether the state attorney notified the victim or
6 victim's next of kin of the filing decision made by the state
7 attorney;and either the sentence imposed in each case, or the
8 status of each case on December 31st of the previous year.

9 (2) Dispositions of cases during the previous calendar
10 year for which there has been an arrest for a crime of
11 domestic violence as defined in s. 741.28, a violation of an
12 injunction for protection against domestic violence under s.
13 741.31, a violation of an injunction for protection against
14 repeat violence under s. 784.047, stalking under s. 784.048,
15 or sexual battery under chapter 794. The report must include,
16 by judicial circuit and in summary format for each case,
17 complete dispositional information related to the case,
18 including, but not limited to:

19 (a) The filing decision made by the state attorney on
20 whether:

21 1. To decline to prosecute the crime;
22 2. To dismiss the criminal charges filed against the
23 defendant;

24 3. To enter into a plea agreement; or

25 4. To proceed to full prosecution of the crime; and

26 (b) Specific information on whether in each case the
27 state attorney has notified the victim or victim's next of kin
28 of the filing decision.

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30 The names of sexual offense victims and other information that
31 is confidential or exempt from public record requirements

1 shall not be included in the report, and the report shall be
2 made available for public inspection and copying.

3 Section 2. This act shall take effect July 1 of the
4 year in which enacted.

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7 HOUSE SUMMARY

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9 Revises requirements for contents of the annual report by
10 the Florida Prosecuting Attorneys Association regarding
11 prosecutions. Requires inclusion of certain additional
12 information in the report on victim notification.
13 Requires inclusion of certain dispositional information
14 for cases involving domestic violence, violations of
15 injunctions for protection against domestic violence or
16 repeat violence, stalking, or sexual battery. Specifies
17 that the report shall be made available for public
18 inspection.
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