

By Senator McKay

26-1055A-00

See HB

1 A bill to be entitled
2 An act relating to the Florida Statutes;
3 repealing various statutory provisions that
4 have become obsolete, have had their effect,
5 have served their purpose, or have been
6 impliedly repealed or superseded; repealing s.
7 16.55, F.S., relating to development and
8 distribution of model crime prevention training
9 materials for county and municipal governments;
10 amending s. 27.181, F.S.; deleting obsolete
11 provisions relating to termination of the
12 office of assistant state attorney and creation
13 of the position of assistant state attorney;
14 amending s. 27.58, F.S., relating to the effect
15 of general law on certain local laws or
16 ordinances providing for a public defender or
17 assigned defence counsel; repealing s.
18 213.305, F.S., relating to the applicability of
19 penalties provided by ss. 49-98 of ch. 87-6,
20 Laws of Florida, to the failure to pay certain
21 unpaid taxes; repealing s. 790.22(4)(c), F.S.,
22 relating to a deadline for the establishment of
23 community service programs for persons
24 violating provisions prohibiting a minor from
25 possessing a firearm; amending ss. 984.09 and
26 985.216, F.S.; deleting cross-references, to
27 conform; providing an effective date.

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

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1 Section 1. Section 16.55, Florida Statutes, is
2 repealed.

3 Section 2. Section 27.181, Florida Statutes, is
4 amended to read:

5 27.181 Assistant state attorneys; appointment, ~~term;~~
6 powers and duties; compensation.--

7 ~~(1) Upon the expiration of the term of office being~~
8 ~~served by each assistant state attorney who holds such office~~
9 ~~on the date this act becomes effective, such office shall~~
10 ~~stand abolished. Also, each office of assistant state attorney~~
11 ~~not held by an incumbent on the date this act becomes~~
12 ~~effective shall stand abolished on the effective date hereof.~~
13 ~~Upon the abolition of any office of assistant state attorney~~
14 ~~under the provisions of this act, there shall thereupon be a~~
15 ~~position of assistant state attorney in lieu of such office.~~
16 ~~The state attorney of the judicial circuit in which any such~~
17 ~~position is created shall appoint an assistant state attorney~~
18 ~~to hold such position and shall thereafter fill by appointment~~
19 ~~such vacancies in such position as may from time to time~~
20 ~~occur. For the purposes of this act, the term of office being~~
21 ~~served by an assistant state attorney on the effective date of~~
22 ~~this act shall be deemed to have expired if it expires by~~
23 ~~reason of the passage of time or if he or she should die or~~
24 ~~resign or be removed from office during such term. In the~~
25 ~~event that any position of assistant state attorney, with a~~
26 ~~salary to be paid from state funds, shall hereafter be created~~
27 ~~by law in addition to the positions provided for by this act,~~
28 ~~the state attorney of the judicial circuit for which such~~
29 ~~additional position is created shall fill the same, and all~~
30 ~~vacancies therein, by appointment.~~

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1 (1)~~(2)~~ Each assistant state attorney appointed by a
2 state attorney ~~under the authorization of this act~~ shall serve
3 during the pleasure of the state attorney appointing him or
4 her. Each such appointment shall be in writing and shall be
5 recorded in the office of the clerk of the circuit court of
6 the county in which the appointing state attorney resides. No
7 such appointee shall perform any of the duties of assistant
8 state attorney until he or she shall have taken and subscribed
9 to a written oath that he or she will faithfully perform the
10 duties of assistant state attorney and shall have caused the
11 oath ~~same~~ to be recorded in the office of the clerk of the
12 circuit court of the county in which the appointing state
13 attorney resides. Upon the recordation of such appointment
14 and oath, the appointing state attorney shall promptly cause
15 certified copies thereof to be transmitted to the Secretary of
16 State. When any such appointment shall be revoked, the
17 revocation thereof shall be made in writing and shall be
18 recorded in the office of the clerk of the circuit court of
19 the county in which the appointment is recorded, and the state
20 attorney executing the revocation ~~same~~ shall forthwith cause a
21 certified copy thereof to be transmitted to the Secretary of
22 State. If any such appointee dies or resigns, the appointing
23 state attorney shall promptly give written notice of such
24 death or resignation to the Secretary of State.

25 (2)~~(3)~~ Each assistant state attorney appointed by a
26 state attorney ~~under the authorization of this act~~ shall have
27 all of the powers and discharge all of the duties of the state
28 attorney appointing him or her, under the direction of that
29 ~~said~~ state attorney. No such assistant state attorney may
30 sign informations unless specifically designated to do so by
31 the state attorney. He or she shall sign indictments,

1 | informations, and other official documents, as assistant state
2 | attorney, and, when so signed, such indictments, informations,
3 | and documents ~~the same~~ shall have the same force and effect as
4 | if signed by the state attorney.

5 | (3)~~(4)~~ Until otherwise provided by law, each assistant
6 | state attorney appointed by a state attorney under the
7 | authorization of this section shall receive the allowances for
8 | expenses provided by law at the time of appointment, to be
9 | paid in accordance with such law. The salary for each
10 | assistant state attorney shall be set by the state attorney of
11 | the same judicial circuit in an amount not to exceed 100
12 | percent of that state attorney's salary and shall be paid from
13 | funds appropriated for that purpose. However, the assistant
14 | state attorneys who serve in less than a full-time capacity
15 | shall be compensated for services performed in an amount in
16 | proportion to the salary allowed for full-time services.

17 | Section 3. Section 27.58, Florida Statutes, is amended
18 | to read:

19 | 27.58 Existing laws.--~~This act shall not repeal but~~
20 | ~~shall be supplementary to any local law or ordinance~~
21 | ~~heretofore providing for a public defender or assigned defense~~
22 | ~~counsel in any county or counties of the state, and the public~~
23 | ~~defender in such county or counties may continue to operate~~
24 | ~~under such prior act or ordinance to the extent determined by~~
25 | ~~the board of county commissioners thereof; provided, however,~~
26 | ~~that~~ The public defender of each judicial circuit of the state
27 | shall be the chief administrator of all public defender
28 | services within the circuit whether such services are rendered
29 | by the state or county public defenders.

30 | Section 4. Section 213.305, Florida Statutes, is
31 | repealed.

1 Section 5. Paragraph (c) of subsection (4) of section
2 790.22, Florida Statutes, is repealed.

3 Section 6. Subsections (3) and (5) of section 984.09,
4 Florida Statutes, are amended to read:

5 984.09 Punishment for contempt of court; alternative
6 sanctions.--

7 (3) ALTERNATIVE SANCTIONS.--Each judicial circuit
8 shall have an alternative sanctions coordinator who shall
9 serve under the chief administrative judge of the juvenile
10 division of the circuit court, and who shall coordinate and
11 maintain a spectrum of contempt sanction alternatives ~~in~~
12 ~~conjunction with the circuit plan implemented in accordance~~
13 ~~with s. 790.22(4)(c).~~ Upon determining that a child has
14 committed direct contempt of court or indirect contempt of a
15 valid court order, the court may immediately request the
16 alternative sanctions coordinator to recommend the most
17 appropriate available alternative sanction and shall order the
18 child to perform up to 50 hours of community-service manual
19 labor or a similar alternative sanction, unless an alternative
20 sanction is unavailable or inappropriate, or unless the child
21 has failed to comply with a prior alternative sanction.
22 Alternative contempt sanctions may be provided by local
23 industry or by any nonprofit organization or any public or
24 private business or service entity that has entered into a
25 contract with the Department of Juvenile Justice to act as an
26 agent of the state to provide voluntary supervision of
27 children on behalf of the state in exchange for the manual
28 labor of children and limited immunity in accordance with s.
29 768.28(11).

30 (5) ALTERNATIVE SANCTIONS COORDINATOR.--There is
31 created the position of alternative sanctions coordinator

1 within each judicial circuit, pursuant to subsection (3). Each
2 alternative sanctions coordinator shall serve under the
3 direction of the chief administrative judge of the juvenile
4 division as directed by the chief judge of the circuit. The
5 alternative sanctions coordinator shall act as the liaison
6 between the judiciary and county juvenile justice councils,
7 the local department officials, district school board
8 employees, and local law enforcement agencies. The alternative
9 sanctions coordinator shall coordinate within the circuit
10 community-based alternative sanctions, including nonsecure
11 detention programs, community service projects, and other
12 juvenile sanctions, ~~in conjunction with the circuit plan~~
13 ~~implemented in accordance with s. 790.22(4)(c).~~

14 Section 7. Subsections (3) and (5) of section 985.216,
15 Florida Statutes, are amended to read:

16 985.216 Punishment for contempt of court; alternative
17 sanctions.--

18 (3) ALTERNATIVE SANCTIONS.--Each judicial circuit
19 shall have an alternative sanctions coordinator who shall
20 serve under the chief administrative judge of the juvenile
21 division of the circuit court, and who shall coordinate and
22 maintain a spectrum of contempt sanction alternatives ~~in~~
23 ~~conjunction with the circuit plan implemented in accordance~~
24 ~~with s. 790.22(4)(c).~~ Upon determining that a child has
25 committed direct contempt of court or indirect contempt of a
26 valid court order, the court may immediately request the
27 alternative sanctions coordinator to recommend the most
28 appropriate available alternative sanction and shall order the
29 child to perform up to 50 hours of community-service manual
30 labor or a similar alternative sanction, unless an alternative
31 sanction is unavailable or inappropriate, or unless the child

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9 768.28(11).

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18 the local department officials, district school board
19 employees, and local law enforcement agencies. The alternative
20 sanctions coordinator shall coordinate within the circuit
21 community-based alternative sanctions, including nonsecure
22 detention programs, community service projects, and other
23 juvenile sanctions, ~~in conjunction with the circuit plan~~
24 ~~implemented in accordance with s. 790.22(4)(c).~~

25 Section 8. This act shall take effect upon becoming a
26 law.

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LEGISLATIVE SUMMARY

Repeals various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. Repeals or deletes provisions relating to development and distribution of model crime prevention training materials for county and municipal governments; termination of the office of assistant state attorney and creation of the position of assistant state attorney; the effect of general law on certain local laws or ordinances providing for a public defender or assigned defense counsel; the applicability of penalties provided by ss. 49-98 of ch. 87-6, Laws of Florida, to the failure to pay certain unpaid taxes; and a deadline for the establishment of community service programs for persons violating provisions prohibiting a minor from possessing a firearm.