

By the Committee on Criminal Justice and Senator McKay

307-1808-00

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6 impliedly repealed or superseded; repealing s.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; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 16.55, Florida Statutes, is
26 repealed.

27 Section 2. Section 27.181, Florida Statutes, is
28 amended to read:

29 27.181 Assistant state attorneys; appointment, ~~term~~;
30 powers and duties; compensation.--

31

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

25 (1)(2) Each assistant state attorney appointed by a
26 state attorney ~~under the authorization of this act~~ shall serve
27 during the pleasure of the state attorney appointing him or
28 her. Each such appointment shall be in writing and shall be
29 recorded in the office of the clerk of the circuit court of
30 the county in which the appointing state attorney resides. No
31 such appointee shall perform any of the duties of assistant

1 state attorney until he or she shall have taken and subscribed
2 to a written oath that he or she will faithfully perform the
3 duties of assistant state attorney and shall have caused the
4 oath ~~same~~ to be recorded in the office of the clerk of the
5 circuit court of the county in which the appointing state
6 attorney resides. Upon the recordation of such appointment
7 and oath, the appointing state attorney shall promptly cause
8 certified copies thereof to be transmitted to the Secretary of
9 State. When any such appointment shall be revoked, the
10 revocation thereof shall be made in writing and shall be
11 recorded in the office of the clerk of the circuit court of
12 the county in which the appointment is recorded, and the state
13 attorney executing the revocation ~~same~~ shall forthwith cause a
14 certified copy thereof to be transmitted to the Secretary of
15 State. If any such appointee dies or resigns, the appointing
16 state attorney shall promptly give written notice of such
17 death or resignation to the Secretary of State.

18 (2)~~(3)~~ Each assistant state attorney appointed by a
19 state attorney ~~under the authorization of this act~~ shall have
20 all of the powers and discharge all of the duties of the state
21 attorney appointing him or her, under the direction of that
22 ~~said~~ state attorney. No such assistant state attorney may
23 sign informations unless specifically designated to do so by
24 the state attorney. He or she shall sign indictments,
25 informations, and other official documents, as assistant state
26 attorney, and, when so signed, such indictments, informations,
27 and documents ~~the same~~ shall have the same force and effect as
28 if signed by the state attorney.

29 (3)~~(4)~~ Until otherwise provided by law, each assistant
30 state attorney appointed by a state attorney under the
31 authorization of this section shall receive the allowances for

1 expenses provided by law at the time of appointment, to be
2 paid in accordance with such law. The salary for each
3 assistant state attorney shall be set by the state attorney of
4 the same judicial circuit in an amount not to exceed 100
5 percent of that state attorney's salary and shall be paid from
6 funds appropriated for that purpose. However, the assistant
7 state attorneys who serve in less than a full-time capacity
8 shall be compensated for services performed in an amount in
9 proportion to the salary allowed for full-time services.

10 Section 3. Section 27.58, Florida Statutes, is amended
11 to read:

12 27.58 Administration of Public Defender Services
13 ~~Existing laws.--This act shall not repeal but shall be~~
14 ~~supplementary to any local law or ordinance heretofore~~
15 ~~providing for a public defender or assigned defense counsel in~~
16 ~~any county or counties of the state, and the public defender~~
17 ~~in such county or counties may continue to operate under such~~
18 ~~prior act or ordinance to the extent determined by the board~~
19 ~~of county commissioners thereof; provided, however, that The~~
20 public defender of each judicial circuit of the state shall be
21 the chief administrator of all public defender services within
22 the circuit whether such services are rendered by the state or
23 county public defenders.

24 Section 4. Section 213.305, Florida Statutes, is
25 repealed.

26 Section 5. This act shall take effect upon becoming a
27 law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1796

- Revises the catch line in s. 27.58, F.S., to more accurately describe the language which will remain in that statute.
- Restores current law by deleting sections of the bill which repeal language that is not obsolete.