

By the Committee on Rules & Calendar and Representative
Crist

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6 impliedly repealed or superseded; repealing s.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 repealing s. 27.58, F.S., relating to
15 applicability to existing local laws and
16 ordinances of provisions creating the office of
17 public defender; repealing s. 213.305, F.S.,
18 relating to the applicability of penalties
19 provided by ss. 49-98 of ch. 87-6, Laws of
20 Florida, to the failure to pay certain unpaid
21 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.
28
29 Be It Enacted by the Legislature of the State of Florida:
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31

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2 repealed.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.~~
31

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
18 | repealed.

19 | Section 4. Section 213.305, Florida Statutes, is
20 | repealed.

21 | Section 5. Paragraph (c) of subsection (4) of section
22 | 790.22, Florida Statutes, is repealed.

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

25 | 984.09 Punishment for contempt of court; alternative
26 | sanctions.--

27 | (3) ALTERNATIVE SANCTIONS.--Each judicial circuit
28 | shall have an alternative sanctions coordinator who shall
29 | serve under the chief administrative judge of the juvenile
30 | division of the circuit court, and who shall coordinate and
31 | maintain a spectrum of contempt sanction alternatives ~~in~~

1 ~~conjunction with the circuit plan implemented in accordance~~
2 ~~with s. 790.22(4)(c).~~ Upon determining that a child has
3 committed direct contempt of court or indirect contempt of a
4 valid court order, the court may immediately request the
5 alternative sanctions coordinator to recommend the most
6 appropriate available alternative sanction and shall order the
7 child to perform up to 50 hours of community-service manual
8 labor or a similar alternative sanction, unless an alternative
9 sanction is unavailable or inappropriate, or unless the child
10 has failed to comply with a prior alternative sanction.
11 Alternative contempt sanctions may be provided by local
12 industry or by any nonprofit organization or any public or
13 private business or service entity that has entered into a
14 contract with the Department of Juvenile Justice to act as an
15 agent of the state to provide voluntary supervision of
16 children on behalf of the state in exchange for the manual
17 labor of children and limited immunity in accordance with s.
18 768.28(11).

19 (5) ALTERNATIVE SANCTIONS COORDINATOR.--There is
20 created the position of alternative sanctions coordinator
21 within each judicial circuit, pursuant to subsection (3). Each
22 alternative sanctions coordinator shall serve under the
23 direction of the chief administrative judge of the juvenile
24 division as directed by the chief judge of the circuit. The
25 alternative sanctions coordinator shall act as the liaison
26 between the judiciary and county juvenile justice councils,
27 the local department officials, district school board
28 employees, and local law enforcement agencies. The alternative
29 sanctions coordinator shall coordinate within the circuit
30 community-based alternative sanctions, including nonsecure
31 detention programs, community service projects, and other

1 juvenile sanctions, ~~in conjunction with the circuit plan~~
2 ~~implemented in accordance with s. 790.22(4)(c).~~

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

5 985.216 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
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16 alternative sanctions coordinator to recommend the most
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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 8. This act shall take effect upon becoming a
15 law.

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18 HOUSE SUMMARY

19 Repeals various statutory provisions that have become
20 obsolete, have had their effect, have served their
21 purpose, or have been impliedly repealed or superseded.
22 Repeals or deletes provisions relating to development and
23 distribution of model crime prevention training materials
24 for county and municipal governments; termination of the
25 office of assistant state attorney and creation of the
26 position of assistant state attorney; applicability to
27 existing local laws and ordinances of provisions creating
28 the office of public defender; the applicability of
29 penalties provided by ss. 49-98 of ch. 87-6, Laws of
30 Florida, to the failure to pay certain unpaid taxes; and
31 a deadline for the establishment of community service
programs for persons violating provisions prohibiting a
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