

By the Committees on Crime & Punishment, 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6 impliedly repealed or superseded; repealing s.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 amending s. 27.58, F.S.; deleting obsolete
15 provisions relating to applicability to
16 existing local laws and ordinances of
17 provisions creating the office of public
18 defender; repealing s. 213.305, F.S., relating
19 to the applicability of penalties provided by
20 ss. 49-98 of ch. 87-6, Laws of Florida, to the
21 failure to pay certain unpaid taxes; repealing
22 s. 790.22(4)(c), F.S., relating to a deadline
23 for the establishment of community service
24 programs for persons violating provisions
25 prohibiting a minor from possessing a firearm;
26 amending ss. 984.09 and 985.216, F.S.; deleting
27 cross references, to conform; providing an
28 effective date.

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30 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2 repealed.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 Administration of public defender services
20 ~~Existing laws.--This act shall not repeal but shall be~~
21 ~~supplementary to any local law or ordinance heretofore~~
22 ~~providing for a public defender or assigned defense counsel in~~
23 ~~any county or counties of the state, and the public defender~~
24 ~~in such county or counties may continue to operate under such~~
25 ~~prior act or ordinance to the extent determined by the board~~
26 ~~of county commissioners thereof; provided, however, that~~ The
27 public defender of each judicial circuit of the state shall be
28 the chief administrator of all public defender services within
29 the circuit whether such services are rendered by the state or
30 county public defenders.

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1 Section 4. Section 213.305, Florida Statutes, is
2 repealed.

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4 790.22, Florida Statutes, is repealed.

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

7 984.09 Punishment for contempt of court; alternative
8 sanctions.--

9 (3) ALTERNATIVE SANCTIONS.--Each judicial circuit
10 shall have an alternative sanctions coordinator who shall
11 serve under the chief administrative judge of the juvenile
12 division of the circuit court, and who shall coordinate and
13 maintain a spectrum of contempt sanction alternatives ~~in~~
14 ~~conjunction with the circuit plan implemented in accordance~~
15 ~~with s. 790.22(4)(c).~~ Upon determining that a child has
16 committed direct contempt of court or indirect contempt of a
17 valid court order, the court may immediately request the
18 alternative sanctions coordinator to recommend the most
19 appropriate available alternative sanction and shall order the
20 child to perform up to 50 hours of community-service manual
21 labor or a similar alternative sanction, unless an alternative
22 sanction is unavailable or inappropriate, or unless the child
23 has failed to comply with a prior alternative sanction.
24 Alternative contempt sanctions may be provided by local
25 industry or by any nonprofit organization or any public or
26 private business or service entity that has entered into a
27 contract with the Department of Juvenile Justice to act as an
28 agent of the state to provide voluntary supervision of
29 children on behalf of the state in exchange for the manual
30 labor of children and limited immunity in accordance with s.
31 768.28(11).

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

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

18 985.216 Punishment for contempt of court; alternative
19 sanctions.--

20 (3) ALTERNATIVE SANCTIONS.--Each judicial circuit
21 shall have an alternative sanctions coordinator who shall
22 serve under the chief administrative judge of the juvenile
23 division of the circuit court, and who shall coordinate and
24 maintain a spectrum of contempt sanction alternatives ~~in~~
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23 community-based alternative sanctions, including nonsecure
24 detention programs, community service projects, and other
25 juvenile sanctions, ~~in conjunction with the circuit plan~~
26 ~~implemented in accordance with s. 790.22(4)(c).~~

27 Section 8. This act shall take effect upon becoming a
28 law.

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