

By Representative Flanagan

1                                   A bill to be entitled  
2           An act relating to state attorneys; amending s.  
3           27.345, F.S., relating to the State Attorney  
4           RICO Trust Fund; revising reporting  
5           requirements; amending s. 775.082, F.S.;  
6           removing requirements for explanation,  
7           submission, and maintenance of sentencing  
8           deviation reports for prison release  
9           reoffenders who do not receive the mandatory  
10          minimum sentence; repealing s. 27.365, F.S.,  
11          relating to the annual report by the Florida  
12          Prosecuting Attorneys Association regarding  
13          prosecutions under ss. 794.011, 794.05, 800.04,  
14          and 827.04(3), F.S.; repealing s. 39.205(7),  
15          F.S., relating to establishment and publication  
16          of procedures for prosecution of persons under  
17          s. 39.205, F.S., and reports on the disposition  
18          of complaints relating to reporting of child  
19          abuse, abandonment, or neglect; repealing s.  
20          415.111(6), F.S., relating to establishment and  
21          publication of procedures for prosecution of  
22          persons under s. 415.111, F.S., and reports on  
23          the disposition of complaints relating to  
24          reporting of abuse, neglect, or exploitation of  
25          vulnerable adults; repealing s. 775.08401(3),  
26          F.S.; removing requirements for explanation,  
27          submission, and maintenance of sentencing  
28          deviation reports relating to eligibility  
29          criteria for sentencing of habitual offenders,  
30          habitual violent felony offenders, and violent  
31          career criminals; providing an effective date.

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

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3 Section 1. Subsection (3) of section 27.345, Florida  
4 Statutes, is amended to read:

5 27.345 State Attorney RICO Trust Fund; authorized use  
6 of funds; reporting.--

7 (3) Each state attorney that has established a State  
8 Attorney RICO Trust Fund shall report to the Executive Office  
9 of the Governor annually by November 15, commencing in 1985,  
10 the amounts recovered pursuant to this section for the  
11 previous fiscal year.

12 Section 2. Paragraph (d) of subsection (9) of section  
13 775.082, Florida Statutes, is amended to read:

14 775.082 Penalties; applicability of sentencing  
15 structures; mandatory minimum sentences for certain  
16 reoffenders previously released from prison.--

17 (9)

18 (d)~~1~~. It is the intent of the Legislature that  
19 offenders previously released from prison who meet the  
20 criteria in paragraph (a) be punished to the fullest extent of  
21 the law and as provided in this subsection, unless the state  
22 attorney determines that extenuating circumstances exist which  
23 preclude the just prosecution of the offender, including  
24 whether the victim recommends that the offender not be  
25 sentenced as provided in this subsection.

26 ~~2. For every case in which the offender meets the~~  
27 ~~criteria in paragraph (a) and does not receive the mandatory~~  
28 ~~minimum prison sentence, the state attorney must explain the~~  
29 ~~sentencing deviation in writing and place such explanation in~~  
30 ~~the case file maintained by the state attorney. On a quarterly~~  
31 ~~basis, each state attorney shall submit copies of deviation~~

