

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 revising 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; amending s. 775.08401(3),
26 F.S.; revising 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:

2

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 an annual ~~a~~
31 ~~quarterly~~ basis, each state attorney shall submit copies of

1 deviation memoranda regarding offenses committed on or after
2 the effective date of this subsection, to the president of the
3 Florida Prosecuting Attorneys Association, Inc. The
4 association must maintain such information, and make such
5 information available to the public upon request, for at least
6 a 10-year period.

7 Section 3. Subsection (3) of Section 775.08401,
8 Florida Statutes, is amended to read:

9 (3)~~(a)~~ A deviation from this criteria must be
10 explained in writing, signed by the state attorney, and placed
11 in the case file maintained by the state attorney.

12 ~~(b) On a quarterly basis, each state attorney shall~~
13 ~~submit copies of deviation memoranda regarding offenses~~
14 ~~committed on or after October 1, 1995, to the president of the~~
15 ~~Florida Prosecuting Attorneys Association, Inc. The~~
16 ~~association must maintain such information for at least a~~
17 ~~10-year period.~~

18 Section 4. Section 27.365, subsection (7) of section
19 39.205, and subsection (6) of section 415.111, Florida
20 Statutes, are repealed.

21 Section 5. This act shall take effect July 1, 2002.
22
23
24
25
26
27
28
29
30
31