

By Senator Smith

5-559-02

1                                   A bill to be entitled  
2           An act relating to state attorneys; repealing  
3           s. 27.345(3), F.S., which provides for a report  
4           of amounts recovered in a State Attorney RICO  
5           Trust Fund; repealing s. 27.365, F.S., which  
6           provides for an annual report by the Florida  
7           Prosecuting Attorneys Association; repealing s.  
8           39.205(7), F.S., which provides for an annual  
9           report to the Legislature regarding the number  
10          of complaints resulting in the filing of an  
11          information or indictment for child abuse,  
12          abandonment, or neglect; repealing s.  
13          415.111(6), F.S., which provides for an annual  
14          report to the Legislature regarding the number  
15          of complaints resulting in the filing of an  
16          information or indictment for abuse, neglect,  
17          or exploitation of a vulnerable adult;  
18          repealing s. 775.08401(3), F.S., which provides  
19          for a quarterly report to the Florida  
20          Prosecuting Attorneys Association regarding  
21          habitual felony offenders; amending s. 775.082,  
22          F.S.; eliminating a quarterly report to the  
23          Florida Prosecuting Attorneys Association  
24          regarding sentencing deviations from mandatory  
25          minimum prison sentences; providing an  
26          effective date.

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

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30           Section 1. Subsection (3) of section 27.345, section  
31 27.365, subsection (7) of section 39.205, subsection (6) of

1 section 415.111, and subsection (3) of section 775.08401,  
2 Florida Statutes, are repealed.

3 Section 2. Paragraph (d) of subsection (9) of section  
4 775.082, Florida Statutes, is amended to read:

5 775.082 Penalties; applicability of sentencing  
6 structures; mandatory minimum sentences for certain  
7 reoffenders previously released from prison.--

8 (9)

9 (d)~~1~~. It is the intent of the Legislature that  
10 offenders previously released from prison who meet the  
11 criteria in paragraph (a) be punished to the fullest extent of  
12 the law and as provided in this subsection, unless the state  
13 attorney determines that extenuating circumstances exist which  
14 preclude the just prosecution of the offender, including  
15 whether the victim recommends that the offender not be  
16 sentenced as provided in this subsection.

17 ~~2. For every case in which the offender meets the~~  
18 ~~criteria in paragraph (a) and does not receive the mandatory~~  
19 ~~minimum prison sentence, the state attorney must explain the~~  
20 ~~sentencing deviation in writing and place such explanation in~~  
21 ~~the case file maintained by the state attorney. On a quarterly~~  
22 ~~basis, each state attorney shall submit copies of deviation~~  
23 ~~memoranda regarding offenses committed on or after the~~  
24 ~~effective date of this subsection, to the president of the~~  
25 ~~Florida Prosecuting Attorneys Association, Inc. The~~  
26 ~~association must maintain such information, and make such~~  
27 ~~information available to the public upon request, for at least~~  
28 ~~a 10-year period.~~

29 Section 3. This act shall take effect upon becoming a  
30 law.

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SENATE SUMMARY

Eliminates several reporting requirements of state attorneys.