

Amendment No. 02 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Crime Prevention, Corrections & Safety  
offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause

and insert:

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

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

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

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

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

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1           (9)  
2           (d)1. It is the intent of the Legislature that  
3 offenders previously released from prison who meet the  
4 criteria in paragraph (a) be punished to the fullest extent of  
5 the law and as provided in this subsection, unless the state  
6 attorney determines that extenuating circumstances exist which  
7 preclude the just prosecution of the offender, including  
8 whether the victim recommends that the offender not be  
9 sentenced as provided in this subsection.

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

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

24           (3)(a) A deviation from this criteria must be  
25 explained in writing, signed by the state attorney, and placed  
26 in the case file maintained by the state attorney.

27           ~~(b) On a quarterly basis, each state attorney shall~~  
28 ~~submit copies of deviation memoranda regarding offenses~~  
29 ~~committed on or after October 1, 1995, to the president of the~~  
30 ~~Florida Prosecuting Attorneys Association, Inc. The~~  
31 ~~association must maintain such information for at least a~~

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1 ~~10-year period.~~

2 Section 4. Section 27.365, subsection (7) of section  
3 39.205, and subsection (6) of section 415.111, Florida  
4 Statutes, are repealed.

5 Section 5. This act shall take effect July 1, 2002.

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7  
8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 1, line 2,  
11 remove:

12  
13 and insert:

14 An act relating to state attorneys; amending s.  
15 27.345, F.S., relating to the State Attorney  
16 RICO Trust Fund; revising reporting  
17 requirements; amending s. 775.082, F.S.;  
18 revising requirements for explanation,  
19 submission, and maintenance of sentencing  
20 deviation reports for prison release  
21 reoffenders who do not receive the mandatory  
22 minimum sentence; repealing s. 27.365, F.S.,  
23 relating to the annual report by the Florida  
24 Prosecuting Attorneys Association regarding  
25 prosecutions under ss. 794.011, 794.05, 800.04,  
26 and 827.04(3), F.S.; repealing s. 39.205(7),  
27 F.S., relating to establishment and publication  
28 of procedures for prosecution of persons under  
29 s. 39.205, F.S., and reports on the disposition  
30 of complaints relating to reporting of child  
31 abuse, abandonment, or neglect; repealing s.

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1           415.111(6), F.S., relating to establishment and  
2           publication of procedures for prosecution of  
3           persons under s. 415.111, F.S., and reports on  
4           the disposition of complaints relating to  
5           reporting of abuse, neglect, or exploitation of  
6           vulnerable adults; amending s. 775.08401(3),  
7           F.S.; revising requirements for explanation,  
8           submission, and maintenance of sentencing  
9           deviation reports relating to eligibility  
10          criteria for sentencing of habitual offenders,  
11          habitual violent felony offenders, and violent  
12          career criminals; providing an effective date.

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