

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 948

SPONSOR: Criminal Justice Committee and Senator Smith

SUBJECT: State Attorneys' Reporting Requirements

DATE: February 26, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Favorable/CS
2.	_____	_____	APJ	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill amends or repeals several subsections of the Florida Statutes which require State Attorneys to keep certain records regarding case prosecutions and forfeiture-generated funds and to file various reports with the Governor, or the presiding officers and minority leaders of the Legislature.

This bill substantially amends or repeals the following sections of the Florida Statutes: 27.345(3), 27.365, 39.205(7), 415.111(6), 775.082(9), and 775.08401(3).

II. Present Situation:

Section 27.345, F.S., requires that state attorneys report annually to the Executive Office of the Governor, by November 15, the amounts of money obtained as a result of forfeiture proceedings, and deposited into the State Attorney RICO Trust Fund.

Section 27.365, F.S., requires that by February 1st of each year the Florida Prosecuting Attorneys Association report to the presiding officers and minority leaders of the Legislature, and to the appropriate substantive committees, regarding prosecutions for certain offenses during the prior year, where the victim was less than 18 years of age. Those offenses are: sexual battery, unlawful sexual activity with certain minors, lewd or lascivious offenses, and prosecutions brought under s. 827.04(3), F.S., where a person 21 years of age or older impregnates a person under 16 years of age.

Section 39.205(7), F.S., requires each state attorney to establish and publish written procedures to facilitate the prosecution of persons with regard to failure to report child abuse, and to report

to the Legislature annually the number of complaints that result in the filing of an information as well as the disposition of those cases.

Section 415.111(6), F.S., requires each state attorney to establish and publish written procedures to facilitate the prosecution of persons with regard to failure to report abuse of vulnerable adults and other crimes enumerated under s. 415.111, F.S., and to report to the Legislature annually the number of complaints that result in the filing of an information or indictment in those cases.

Section 775.08401(3), F.S., requires state attorneys to report deviations from the statutory scheme in the prosecution of criminals who qualify as habitual felony offenders, habitual violent felony offenders, or violent career criminals. Reports must be submitted quarterly to the president of the Florida Prosecuting Attorneys Association who must maintain them for ten years. A copy of the deviation memorandum should also be maintained in the case file.

Section 775.082(9)(d)2., F.S., requires the same reporting procedures outlined above for defendants who meet the prison releasee reoffender criteria and who does not receive the mandatory minimum sentence set forth in s. 775.082(9)(a)3., F.S.

III. Effect of Proposed Changes:

The bill repeals the reporting and record-keeping requirements explained herein with the following exceptions:

- If a state attorney has established a RICO Trust Fund, that office must still file the report currently required by s. 27.345(3), F.S.
- Although the reports are not required to be filed by the bill, the records of deviations in sentencing of prison releasee reoffenders and deviations from the statutory scheme for the prosecution of habitual felony offenders, habitual violent felony offenders, and violent career criminals must be maintained, as required by current law, in the case file maintained by the state attorney.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

State attorneys have indicated that a great deal of time is spent by staff compiling and preparing the reports and records required by the statutes effected by the bill. It is unknown what, if any, fiscal impact the bill would have.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
