

**By** the Committee on Judiciary; and Senators Burgess, Book, and Perry

590-02531-22

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1                   A bill to be entitled  
2       An act relating to victims of crimes; amending s.  
3       960.001, F.S.; requiring law enforcement personnel to  
4       ensure that crime victims are given information about  
5       specified rights, upon request, at all stages of  
6       criminal, parole, or juvenile proceedings; requiring  
7       law enforcement personnel to ensure that crime victims  
8       are given information about their right to employ  
9       private counsel; encouraging The Florida Bar to  
10      develop a registry of attorneys willing to serve on a  
11      pro bono basis as advocates for crime victims;  
12      amending ss. 960.0021 and 985.036, F.S.; conforming  
13      provisions to changes made by the act; providing an  
14      effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18       Section 1. Paragraph (a) of subsection (1) of section  
19       960.001, Florida Statutes, is amended to read:

20       960.001 Guidelines for fair treatment of victims and  
21       witnesses in the criminal justice and juvenile justice systems.-

22       (1) The Department of Legal Affairs, the state attorneys,  
23       the Department of Corrections, the Department of Juvenile  
24       Justice, the Florida Commission on Offender Review, the State  
25       Courts Administrator and circuit court administrators, the  
26       Department of Law Enforcement, and every sheriff's department,  
27       police department, or other law enforcement agency as defined in  
28       s. 943.10(4) shall develop and implement guidelines for the use  
29       of their respective agencies, which guidelines are consistent

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30 with the purposes of this act and s. 16(b), Art. I of the State  
31 Constitution and are designed to implement s. 16(b), Art. I of  
32 the State Constitution and to achieve the following objectives:

33 (a) *Information concerning services available to victims of*  
34 *adult and juvenile crime.*—As provided in s. 27.0065, state  
35 attorneys and public defenders shall gather information  
36 regarding the following services in the geographic boundaries of  
37 their respective circuits and shall provide such information to  
38 each law enforcement agency with jurisdiction within such  
39 geographic boundaries. Law enforcement personnel shall ensure,  
40 through distribution of a victim's rights information card or  
41 brochure at the crime scene, during the criminal investigation,  
42 and in any other appropriate manner, that victims are given, as  
43 a matter of course at the earliest possible time, information  
44 about:

45 1. The availability of crime victim compensation, if  
46 applicable;

47 2. Crisis intervention services, supportive or bereavement  
48 counseling, social service support referrals, and community-  
49 based victim treatment programs;

50 3. The role of the victim in the criminal or juvenile  
51 justice process, including what the victim may expect from the  
52 system as well as what the system expects from the victim;

53 4. The stages in the criminal or juvenile justice process  
54 which are of significance to the victim and the manner in which  
55 information about such stages can be obtained;

56 5. The right of a victim, who is not incarcerated,  
57 including the victim's parent or guardian if the victim is a  
58 minor, the lawful representative of the victim or of the

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59 victim's parent or guardian if the victim is a minor, and the  
60 next of kin of a homicide victim, upon request, to be informed,  
61 to be present, and to be heard ~~when relevant~~, at all ~~crucial~~  
62 stages of a criminal or juvenile proceeding, ~~to the extent that~~  
63 ~~this right does not interfere with constitutional rights of the~~  
64 ~~accused~~, as provided by s. 16(b), Art. I of the State  
65 Constitution;

66 6. In the case of incarcerated victims, the right, upon  
67 request, to be informed and to submit written statements at all  
68 ~~crucial~~ stages of the criminal proceedings, parole proceedings,  
69 or juvenile proceedings; ~~and~~

70 7. The right of a victim to a prompt and timely disposition  
71 of the case in order to minimize the period during which the  
72 victim must endure the responsibilities and stress involved; and

73 8. The right of a victim to employ private counsel. The  
74 Florida Bar is encouraged to develop a registry of attorneys who  
75 are willing to serve on a pro bono basis as advocates for crime  
76 victims ~~to the extent that this right does not interfere with~~  
77 ~~the constitutional rights of the accused.~~

78 Section 2. Subsection (2) of section 960.0021, Florida  
79 Statutes, is amended to read:

80 960.0021 Legislative intent; advisement to victims.—

81 (2) The courts may fulfill their obligation to advise crime  
82 victims by:

83 (a) Making the following announcement at any arraignment,  
84 sentencing, or case-management proceeding:

85  
86 "If you are the victim of a crime with a case pending  
87 before this court, you are advised that you have the

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88 right, upon request:

89 1. To be informed.

90 2. To be present.

91 3. To be heard, ~~when relevant,~~ at all ~~crucial~~  
92 stages of criminal proceedings ~~to the extent that~~  
93 ~~these rights do not interfere with the constitutional~~  
94 ~~rights of the accused.~~

95 4. To receive advance notification, when  
96 possible, of judicial proceedings and notification of  
97 scheduling changes, pursuant to section 960.001,  
98 Florida Statutes.

99 5. To seek crimes compensation and restitution.

100 6. To consult with the state attorney's office in  
101 certain felony cases regarding the disposition of the  
102 case.

103 7. To make an oral or written victim impact  
104 statement at the time of sentencing of a defendant.

105  
106 For further information regarding additional rights  
107 afforded to victims of crime, you may contact the  
108 state attorney's office or obtain a listing of your  
109 rights from the Clerk of Court."

110 ; or

111 (b) Displaying prominently on the courtroom doors posters  
112 giving notification of the existence and general provisions of  
113 this chapter. The Department of Legal Affairs shall provide the  
114 courts with the posters specified by this paragraph.

115 Section 3. Subsection (1) of section 985.036, Florida  
116 Statutes, is amended to read:

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117 985.036 Rights of victims; juvenile proceedings.—

118 (1) Nothing in this chapter prohibits:

119 (a) The victim of the offense;

120 (b) The victim's parent or guardian if the victim is a

121 minor;

122 (c) The lawful representative of the victim or of the

123 victim's parent or guardian if the victim is a minor; or

124 (d) The next of kin if the victim is a homicide victim,

125

126 from the right, upon request, to be informed of, to be present

127 during, and to be heard ~~when relevant at~~, all ~~crucial~~ stages of

128 the proceedings involving the juvenile offender, ~~to the extent~~

129 ~~that such rights do not interfere with the constitutional rights~~

130 ~~of the juvenile offender~~. A person enumerated in this section

131 may not reveal to any outside party any confidential information

132 obtained under this subsection regarding a case involving a

133 juvenile offense, except as is reasonably necessary to pursue

134 legal remedies.

135 Section 4. This act shall take effect July 1, 2022.