

By Representatives Kosmas and Heyman

1 A bill to be entitled
2 An act relating to victim assistance; amending
3 s. 960.045, F.S., relating to powers and duties
4 of the Department of Legal Affairs under the
5 Florida Crimes Compensation Act; requiring the
6 department to have a criminal history record
7 check performed through the Florida Crime
8 Information Center system on any victim or
9 other claimant on whose behalf an award is
10 sought under that act; amending s. 960.065,
11 F.S., relating to eligibility for awards;
12 providing that a person who has a criminal
13 history of having committed a felony in this
14 state, or of having committed a misdemeanor in
15 this state within 10 years of seeking the
16 award, is ineligible for an award; amending s.
17 960.12, F.S., relating to emergency awards;
18 prescribing as a condition for making an
19 emergency award that the victim or other
20 claimant does not have such criminal history;
21 amending s. 960.195, F.S.; prescribing as an
22 additional condition for an award to an elderly
23 person or disabled adult for property loss that
24 the claimant does not have such criminal
25 history; amending s. 960.21, F.S., relating to
26 the Crimes Compensation Trust Fund; specifying
27 that payments to any victim or other claimant
28 who has such criminal history do not constitute
29 payments of necessary and proper expenses and
30 claims out of the Crimes Compensation Trust
31 Fund; providing an effective date.

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

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3 Section 1. Subsection (3) is added to section 960.045,
4 Florida Statutes, 1998 Supplement, to read:

5 960.045 Department of Legal Affairs; powers and
6 duties.--It shall be the duty of the department to assist
7 persons who are victims of crime.

8 (1) The department shall:

9 (a) Establish and maintain an office in Tallahassee
10 and prescribe the duties of the employees of the Crime
11 Victims' Services Office.

12 (b) Adopt rules pursuant to ss. 120.536(1) and 120.54
13 to implement the provisions of this chapter.

14 (c) Render, prior to January 1 of each year, to the
15 presiding officers of the Senate and House of Representatives
16 a written report of the activities of the Crime Victims'
17 Services Office.

18 (d) Authorize other units within the department to
19 assist in carrying out the provisions of this chapter.

20 (2) The department shall provide the Crime Victims'
21 Services Office with legal representation relative to its
22 duties and responsibilities under this chapter.

23 (3) The department shall have a criminal history
24 record check performed through the Florida Crime Information
25 Center system on any victim or other claimant on whose behalf
26 an award is sought under ss. 960.01-960.28.

27 Section 2. Section 960.065, Florida Statutes, is
28 amended to read:

29 960.065 Eligibility for awards.--
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1 (1) Except as provided in subsection (2), the
2 following persons shall be eligible for awards pursuant to
3 this chapter:

4 (a) A victim.

5 (b) An intervenor.

6 (c) A surviving spouse, parent, sibling, or child of a
7 deceased victim or intervenor.

8 (d) Any other person who is dependent for his or her
9 principal support upon a deceased victim or intervenor.

10 (2) Any person who:

11 (a) Committed or aided in the commission of the crime
12 upon which the claim was based; ~~or~~

13 (b) Was engaged in an unlawful activity at the time of
14 the crime upon which the claim is based; or

15 (c) Has a criminal history of ever having committed a
16 felony in this state, or of having committed a misdemeanor in
17 this state within the 10-year period before the claim was
18 sought,

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20 shall not be eligible to receive an award with respect to such
21 claim.

22 (3) No payment shall be made under this chapter if the
23 person who committed the crime upon which the claim is based
24 will receive any direct or indirect financial benefit from
25 such payment, unless such benefit is minimal or
26 inconsequential. Payment shall not be denied based on the
27 victim's familial relationship to the offender or based upon
28 the sharing of a residence by the victim and offender, except
29 to prevent unjust enrichment of the offender.

30 Section 3. Section 960.12, Florida Statutes, is
31 amended to read:

1 960.12 Emergency awards.--Notwithstanding the
3 such claim is one with respect to which an award probably will
4 be made, and that either the claimant is a recipient of
6 hardship will result to the claimant if immediate payment is
7 not made, the department may make an emergency award to the
9 following conditions:

10 (1) The amount of such emergency award shall not

12 (2) The amount of such emergency award shall be
13 deducted from any final award made to the claimant; —

14 (3) The amount of such emergency award which is in
15 excess of the final award, or the full amount of the emergency

17 claimant to the department; ~~and—~~

18 (4) The claimant does not have a criminal history of
ever having committed a felony in this state, or of having

20 _____
21 period before the claim was sought, as verified through a
criminal history records check performed through the Florida

23 _____
24 Section 4. Section 960.195, Florida Statutes, is
25 amended to read:

27 for property loss.--Notwithstanding the criteria in s. 960.13,
28 for crime victim compensation awards, the department may award

30 suffer a property loss that causes a substantial diminution in
31 their quality of life when:

- 1 (1) There is proof that a criminal or delinquent act
2 was committed;
- 3 (2) The criminal or delinquent act is reported to law
4 enforcement authorities within 72 hours;
- 5 (3) The victim cooperates with law enforcement
6 authorities in the investigation of the criminal or delinquent
7 act;
- 8 (4) There is proof that the tangible personal property
9 in question belonged to the claimant;
- 10 (5) The claimant did not contribute to the criminal or
11 delinquent act;
- 12 (6) There is no other source of reimbursement or
13 indemnification available to the claimant; ~~and~~
- 14 (7) The claimant would not be able to replace the
15 tangible personal property in question without incurring a
16 serious financial hardship; and-
- 17 (8) The claimant does not have a criminal history of
18 ever having committed a felony in this state, or of having
19 committed a misdemeanor in this state within the 10-year
20 period before the claim was sought, as verified through a
21 criminal history records check performed through the Florida
22 Crime Information Center system pursuant to s. 960.045.
- 23 Section 5. Section 960.21, Florida Statutes, is
24 amended to read:
- 25 960.21 Crimes Compensation Trust Fund.--
- 26 (1) There is created a special fund, to be known as
27 the "Crimes Compensation Trust Fund," for the purpose of
28 providing for the payment of all necessary and proper expenses
29 incurred by the operation of the department and the payment of
30 claims. The department shall administer the Crimes
31 Compensation Trust Fund.

1 (2) The moneys placed in the Crimes Compensation Trust
2 Fund shall consist of all moneys appropriated by the
3 Legislature for the purpose of compensating the victims of
4 crime and other claimants under this act, and of moneys
5 recovered on behalf of the department by subrogation or other
6 action, recovered through restitution, received from the
7 Federal Government, received from additional court costs,
8 received from fines, or received from any other public or
9 private source.

10 (3) All administrative costs of this chapter and the
11 service charge provided for in chapter 215 shall be paid out
12 of moneys collected pursuant to this chapter and deposited in
13 the Crimes Compensation Trust Fund.

14 (4) Payments of necessary and proper expenses and of
15 claims out of the Crimes Compensation Trust Fund, as described
16 in subsection (1), do not include, and may not be construed to
17 authorize, payments to a claimant who has a criminal history
18 of ever having committed a felony in this state, or of having
19 committed a misdemeanor in this state within the 10-year
20 period before the claim was sought.

21 Section 6. This act shall take effect July 1, 1999.
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HOUSE SUMMARY

Revises the Florida Crimes Compensation Act. Requires the Department of Legal Affairs to have a criminal history record check performed through the Florida Crime Information Center system on any victim or other claimant on whose behalf an award is sought under that act. Provides that a person who has a criminal history of having committed a felony in this state, or of having committed a misdemeanor in this state within 10 years of seeking the award, is ineligible for an award. Prescribes as a condition for making an emergency award that the victim or other claimant does not have such criminal history. Prescribes as an additional condition for an award to an elderly person or disabled adult for property loss that the claimant does not have such criminal history. Specifies that payments to any victim or other claimant who has such criminal history do not constitute payments of necessary and proper expenses and claims out of the Crimes Compensation Trust Fund.