

By Senator Smith

5-1187-02

1                                   A bill to be entitled  
2           An act relating to the fair treatment of  
3           victims of crime; amending s. 960.001, F.S.;  
4           requiring the clerk of the court to provide  
5           information to a victim on enforcing a civil  
6           lien or civil judgment against the defendant;  
7           requiring that the information be provided as  
8           written instructions and posted on an Internet  
9           website if available; providing an effective  
10          date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Paragraph (j) of subsection (1) of section  
15 960.001, Florida Statutes, is amended to read:

16           960.001 Guidelines for fair treatment of victims and  
17 witnesses in the criminal justice and juvenile justice  
18 systems.--

19           (1) The Department of Legal Affairs, the state  
20 attorneys, the Department of Corrections, the Department of  
21 Juvenile Justice, the Parole Commission, the State Courts  
22 Administrator and circuit court administrators, the Department  
23 of Law Enforcement, and every sheriff's department, police  
24 department, or other law enforcement agency as defined in s.  
25 943.10(4) shall develop and implement guidelines for the use  
26 of their respective agencies, which guidelines are consistent  
27 with the purposes of this act and s. 16(b), Art. I of the  
28 State Constitution and are designed to implement the  
29 provisions of s. 16(b), Art. I of the State Constitution and  
30 to achieve the following objectives:

31

1           (j) Notification of right to request restitution.--Law  
2 enforcement agencies and the state attorney shall inform the  
3 victim of the victim's right to request and receive  
4 restitution pursuant to s. 775.089 or s. 985.231(1)(a)1., and  
5 of the victim's rights of enforcement under ss. 775.089(6) and  
6 985.201 in the event an offender does not comply with a  
7 restitution order. The state attorney shall seek the  
8 assistance of the victim in the documentation of the victim's  
9 losses for the purpose of requesting and receiving  
10 restitution. In addition, the state attorney shall inform the  
11 victim if and when restitution is ordered. If an order of  
12 restitution is converted to a civil lien or civil judgment  
13 against the defendant, the clerk of the court shall provide  
14 information to the victim on enforcing the civil lien or  
15 judgment. The clerk shall provide this information in the form  
16 of written instructions and, if available, shall post the  
17 information on an Internet website.

18           Section 2. This act shall take effect July 1, 2002.

19  
20           \*\*\*\*\*

21           SENATE SUMMARY

22           Requires that, if an order of restitution is converted to  
23 a civil lien or judgment, the clerk of the court provide  
24 the victim with information on enforcing the civil lien  
25 or judgment. Requires that the clerk provide information  
26 in writing and, if possible, post the information on an  
27 Internet website.  
28  
29  
30  
31