



1 A bill to be entitled
 2 An act relating to plea agreements; amending s. 921.143,
 3 F.S.; providing a popular name; prohibiting, in any case
 4 in which a law enforcement officer is a victim of the
 5 crime before the court, the entering of a plea agreement
 6 purporting to bind present or future action, judgment, or
 7 speech of a law enforcement officer or law enforcement
 8 agency at any court, sentencing, or parole hearing or with
 9 regard to any investigation without reasonable prior
 10 notice to the affected officer or duly authorized
 11 representative of the affected law enforcement agency;
 12 defining the term "law enforcement officer" for such
 13 purposes; providing an effective date.

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

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 17 Section 1. Section 921.143, Florida Statutes, is amended
 18 to read:

19 921.143 Appearance of victim, law enforcement officer, or
 20 next of kin to make statement at sentencing hearing; submission
 21 of written statement.--

22 (1) At the sentencing hearing, and prior to the imposition
 23 of sentence upon any defendant who has been convicted of any
 24 felony or who has pleaded guilty or nolo contendere to any
 25 crime, including a criminal violation of a provision of chapter
 26 316, the sentencing court shall permit the victim of the crime
 27 for which the defendant is being sentenced, the victim's parent
 28 or guardian if the victim is a minor, the lawful representative



29 of the victim or of the victim's parent or guardian if the
30 victim is a minor, or the next of kin of the victim if the
31 victim has died from causes related to the crime, to:

32 (a) Appear before the sentencing court for the purpose of
33 making a statement under oath for the record; and

34 (b) Submit a written statement under oath to the office of
35 the state attorney, which statement shall be filed with the
36 sentencing court.

37 (2) The state attorney or any assistant state attorney
38 shall advise all victims or, when appropriate, the victim's
39 parent, guardian, next of kin, or lawful representative that
40 statements, whether oral or written, shall relate to the facts
41 of the case and the extent of any harm, including social,
42 psychological, or physical harm, financial losses, loss of
43 earnings directly or indirectly resulting from the crime for
44 which the defendant is being sentenced, and any matter relevant
45 to an appropriate disposition and sentence.

46 (3)(a) This subsection shall be known by the popular name
47 the "Officer Cheryl Seiden Act."

48 (b) In any case in which a law enforcement officer is a
49 victim of the crime before the court, no plea agreement
50 purporting to bind the present or future action, judgment, or
51 speech of a law enforcement officer or law enforcement agency at
52 any court hearing, sentencing hearing, or parole hearing or with
53 regard to any investigation shall be proffered to the court
54 without reasonable notice having first been afforded to the
55 affected officer or duly authorized representative of the
56 affected law enforcement agency. For the purposes of this



57 subsection, the term "law enforcement officer" has the same
58 meaning as provided in s. 943.10. The Legislature hereby finds
59 that such notice is essential to ensuring that the trial court
60 is fully apprised of all the facts in order to exercise
61 appropriate discretion in accepting such plea. Failure to
62 provide such notice as required by this subsection is not
63 grounds to withdraw a plea.

64 ~~(4)(3)~~ The court may refuse to accept a negotiated plea
65 and order the defendant to stand trial.

66 Section 2. This act shall take effect July 1, 2003.