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2 An act relating to plea agreements; amending s.
3 921.143, F.S.; providing a popular name;
4 prohibiting the court from accepting a plea
5 agreement that prohibits a law enforcement,
6 correctional, or correctional probation officer
7 from appearing at a parole hearing or clemency
8 hearing; prohibiting a plea agreement that
9 prohibits a law enforcement, correctional, or
10 correctional probation officer who was a victim
11 in the offense from appearing or providing a
12 statement at the sentencing hearing; defining
13 terms for purposes of the act; specifying that
14 the act does not impair certain rights afforded
15 by law or the State Constitution; providing an
16 effective date.

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

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20 Section 1. Section 921.143, Florida Statutes, is
21 amended to read:

22 921.143 Appearance of victim,~~or~~ next of kin, or law
23 enforcement, correctional, or correctional probation officer
24 to make statement at sentencing hearing; submission of written
25 statement.--

26 (1) At the sentencing hearing, and prior to the
27 imposition of sentence upon any defendant who has been
28 convicted of any felony or who has pleaded guilty or nolo
29 contendere to any crime, including a criminal violation of a
30 provision of chapter 316, the sentencing court shall permit
31 the victim of the crime for which the defendant is being

1 sentenced, the victim's parent or guardian if the victim is a
2 minor, the lawful representative of the victim or of the
3 victim's parent or guardian if the victim is a minor, or the
4 next of kin of the victim if the victim has died from causes
5 related to the crime, to:

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

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

11 (2) The state attorney or any assistant state attorney
12 shall advise all victims or, when appropriate, the victim's
13 parent, guardian, next of kin, or lawful representative that
14 statements, whether oral or written, shall relate to the facts
15 of the case and the extent of any harm, including social,
16 psychological, or physical harm, financial losses, loss of
17 earnings directly or indirectly resulting from the crime for
18 which the defendant is being sentenced, and any matter
19 relevant to an appropriate disposition and sentence.

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

22 (b) The court may not accept a plea agreement that
23 prohibits a law enforcement officer, correctional officer, or
24 correctional probation officer from appearing or speaking at a
25 parole hearing or clemency hearing.

26 (c) In any case in which the victim is a law
27 enforcement officer, correctional officer, or correctional
28 probation officer, a plea agreement may not prohibit the
29 officer or an authorized representative of the officer's
30 employing agency from appearing or providing a statement at
31 the sentencing hearing.

1 (d) As used in this subsection, the terms "law
2 enforcement officer," "correctional officer," "correctional
3 probation officer," and "employing agency" have the meanings
4 ascribed in s. 943.10.
5 (e) This subsection does not impair any right afforded
6 under chapter 960 or under s. 16(b), Art. I of the State
7 Constitution.
8 ~~(4)(3)~~ The court may refuse to accept a negotiated
9 plea and order the defendant to stand trial.
10 Section 2. This act shall take effect July 1, 2004.
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