

CHAMBER ACTION

1 The Committee on Public Safety & Crime Prevention recommends the
2 following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

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

25
26 Section 1. Section 921.143, Florida Statutes, is amended
27 to read:

28 921.143 Appearance of victim, ~~or next of kin, or law~~
29 enforcement, correctional, or correctional probation officer to
30 make statement at sentencing hearing; submission of written
31 statement.--

32 (1) At the sentencing hearing, and prior to the imposition
33 of sentence upon any defendant who has been convicted of any
34 felony or who has pleaded guilty or nolo contendere to any
35 crime, including a criminal violation of a provision of chapter
36 316, the sentencing court shall permit the victim of the crime
37 for which the defendant is being sentenced, the victim's parent
38 or guardian if the victim is a minor, the lawful representative
39 of the victim or of the victim's parent or guardian if the
40 victim is a minor, or the next of kin of the victim if the
41 victim has died from causes related to the crime, to:

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

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

47 (2) The state attorney or any assistant state attorney
48 shall advise all victims or, when appropriate, the victim's
49 parent, guardian, next of kin, or lawful representative that
50 statements, whether oral or written, shall relate to the facts
51 of the case and the extent of any harm, including social,

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52 | psychological, or physical harm, financial losses, loss of
53 | earnings directly or indirectly resulting from the crime for
54 | which the defendant is being sentenced, and any matter relevant
55 | to an appropriate disposition and sentence.

56 | (3)(a) This subsection shall be known by the popular name
57 | the "Officer Cheryl Seiden Act."

58 | (b) The court may not accept a plea agreement that
59 | prohibits a law enforcement officer, correctional officer, or
60 | correctional probation officer from appearing or speaking at a
61 | parole hearing or clemency hearing.

62 | (c) In any case in which the victim is a law enforcement
63 | officer, correctional officer, or correctional probation
64 | officer, a plea agreement may not prohibit the officer or an
65 | authorized representative of the officer's employing agency from
66 | appearing or providing a statement at the sentencing hearing.

67 | (d) As used in this subsection, the terms "law enforcement
68 | officer," "correctional officer," "correctional probation
69 | officer," and "employing agency" have the meanings ascribed in
70 | s. 943.10.

71 | (e) This subsection does not impair any right afforded
72 | under chapter 960 or under s. 16(b), Art. I of the State
73 | Constitution.

74 | (4)(3) The court may refuse to accept a negotiated plea
75 | and order the defendant to stand trial.

76 | Section 2. This act shall take effect July 1, 2004.