

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government -- This bill creates a new council. This bill may require 5 FTE's for implementation.

B. EFFECT OF PROPOSED CHANGES:

This bill creates s. 943.0315, F.S., to create a Victims Voice Council.

The bill makes the following legislative findings:

The Legislature finds that there is a need to develop and implement a statewide strategy to address the needs of persons who are the victims of crime in this state. The Legislature also finds that there is a need to understand the severity of the losses incurred by victims and their families and to evaluate the services available to respond to the needs of the victims. In recognition of this need, the Victims Voice Council is created within the Department of Law Enforcement. The council shall serve in an advisory capacity to the department.

The council is composed of 14 members. There are three standing members:

- Executive director of the Department of Law Enforcement
- Secretary of the Department of Corrections
- Secretary of the Department of Juvenile Justice

The Governor appoints the other members of the council. The bill requires that at least 3 members of the council must have been the victim of a crime, one of whom must be related either to a victim of murder or to the surviving spouse of a victim of murder. The bill suggests, but does not require, that the remaining members of the council include the Governor's Victims' Rights Advocate; the director of the Crime Victims' Services Office within the Department of Legal Affairs; a state attorney; a sheriff; a police chief; a circuit judge; a representative of the Florida Network of Victim/Witness Services, Inc.; and a representative of the Justice Coalition.

Initial appointments must be made by September 1, 2005. The initial meeting of the council must be on or before October 31, 2005. Vacancies are filled in the same manner as the original appointment.

Council action is by majority vote. Quorum is a majority. The chair is elected by the members of the council.

The council must:

Review the nature and severity of the losses and other associated difficulties suffered by crime victims and families of victims of murder and shall review the state's services provided to victims as well as other responses to the needs of victims. In addition, the council should consider other factors adversely affecting victims, including delays in capital cases and recommendations for judicial reforms to reduce the delays.

The council must also evaluate:

- The services available to victims as described in s. 960.001(1)(a).¹
- The imposition, collection, and distribution of the surcharge described in s. 938.08, F.S.,² and the fee required in s. 938.03, F.S.,³ to be paid to the Crimes Compensation Trust Fund.
- The imposition, collection, and distribution of victim restitution.
- The necessary state constitutional reforms that would facilitate the resolution of capital cases within 5 years after the imposition of sentence.

The council must hold at least four public hearings annually throughout the state to:

Solicit input from the public regarding justice for victims, victims' concerns, restitution for victims, judicial reforms that would reduce the suffering of crime victims and their families and improve the treatment of victims and their families in state courts, and other relevant issues. The council shall devote at least one public hearing to the issues facing families of victims of murder, delays in capital cases, and proposals to reduce these delays in this state. The council must review laws in other states in which the delays have been reduced.

The council must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 60 days prior to start of session. The report must contain specific recommendations for enhancing justice for victims of crime, including the families of murder victims in capital cases. The recommendations of the council must include proposed legislation and constitutional reforms that will improve justice for victims of crime and family members of victims of murder.

Council members are not paid, but are entitled to reimbursement for travel and per diem expenses at regular state rates.⁴

The council, with approval from the Executive Office of the Governor, may employ or contract with an executive director who possesses at least 2 years' previous experience in criminal law and legislative affairs and has worked directly with victims of crime and with families of victims of murder. The executive director may employ or contract with two additional staff members or consultants who have relevant experience in the field of crime victims' rights or data analysis and one administrative assistant. The Department of Law Enforcement must provide administrative support to the council and its staff.

C. SECTION DIRECTORY:

Section 1 creates the Victim's Voice Council.

Section 2 provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

¹ Section 960.001, F.S., provides guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems. It requires every law enforcement agency to provide a number of victim's services.

² Section 938.08, F.S., requires imposition of a \$201 surcharge on persons convicted of certain violent crimes, which money funds programs for victims of domestic violence.

³ Section 938.03, F.S., requires imposition of a \$50 surcharge on all persons convicted of, or pleading no contest to, any criminal offense. The surcharge is paid to the crime compensation trust fund for the benefit of all crime victims.

⁴ See s. 112.061, F.S.

2. Expenditures:

<u>FDLE:</u>	FY 05-06	FY 06-07	FY 07-08
Recurring 5 FTE	355,600	355,644	355,644
Non-Recurring	120,139		

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides that members are entitled to per diem. The bill does not specify what agency is liable for the per diem costs.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 13, 2005, the Criminal Justice Committee adopted one strike-all amendment conforming the bill to the Senate. The amendment changed the commission to a council, reduced the size from 15 members to 14 members, specified agency heads to sit on the council, allows an agency head to name a designee to the council, reduced the minimum qualifications of the executive director, and removed the expiration date, making the council permanent. The bill was then reported favorably with a committee substitute.