

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to justice for crime victims; creating s.
7 943.0315, F.S.; providing legislative findings; creating
8 the Victim's Voice Council within the Department of Law
9 Enforcement; providing membership; requiring the council
10 to review the needs of persons who are the victims of
11 crime in this state; requiring the council to review and
12 comment on specified issues; requiring the council to hold
13 public hearings each year; requiring an annual report to
14 the Governor and the Legislature; providing for
15 reimbursement of council members' travel and per diem
16 expenses; authorizing the council to employ an executive
17 director and other staff; providing an effective date.

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

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21 Section 1. Section 943.0315, Florida Statutes, is created
22 to read:

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23 943.0315 Victim's Voice Council.--The Legislature finds
24 that there is a need to develop and implement a statewide
25 strategy to address the needs of persons who are the victims of
26 crime in this state. The Legislature also finds that there is a
27 need to understand the severity of the losses incurred by
28 victims and their families and to evaluate the services
29 available to respond to the needs of the victims. In recognition
30 of this need, the Victim's Voice Council is created within the
31 Department of Law Enforcement. The council shall serve in an
32 advisory capacity to the department.

33 (1)(a) The council shall be composed of 14 members. The
34 executive director of the Department of Law Enforcement, the
35 Secretary of Juvenile Justice, and the Secretary of Corrections,
36 or their designees, shall personally serve as members of the
37 council. Additional members of the council shall be appointed by
38 the Governor and may include the Governor's Victim's Rights
39 Advocate; the director of the Crime Victims' Services Office
40 within the Department of Legal Affairs; a state attorney; a
41 sheriff; a police chief; a circuit judge; a representative of
42 the Florida Network of Victim/Witness Services, Inc.; and a
43 representative of the Justice Coalition. The Governor shall
44 appoint at least three members who have been the victim of a
45 crime, one of whom must be related either to a victim of murder
46 or to the surviving spouse of a victim of murder.

47 (b) The appointments must be made by September 1, 2005,
48 and the council shall hold its first meeting within 60 days
49 after the appointment of its members. Any vacancy that occurs on

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50 the council must be filled in the same manner as the original
 51 appointment.

52 (2) Members of the council are entitled to one vote each,
 53 and an action of the council is not binding unless a majority of
 54 the total number of votes cast are in favor of the action. The
 55 council may not act unless a majority of its members are present
 56 at a meeting. The council shall elect a chairperson from among
 57 its members.

58 (3) The council shall review the nature and severity of
 59 the losses and other associated difficulties suffered by crime
 60 victims and families of victims of murder and shall review the
 61 state's services provided to victims as well as other responses
 62 to the needs of victims. In addition, the council should
 63 consider other factors adversely affecting victims, including
 64 delays in capital cases and recommendations for judicial reforms
 65 to reduce the delays. Included in the council's review must be
 66 an evaluation of:

67 (a) The services available to victims as described in s.
 68 960.001(1)(a).

69 (b) The imposition, collection, and distribution of the
 70 surcharge described in s. 938.08 and the fee required in s.
 71 938.03 to be paid to the Crimes Compensation Trust Fund.

72 (c) The imposition, collection, and distribution of victim
 73 restitution.

74 (d) The necessary state constitutional reforms that would
 75 facilitate the resolution of capital cases within 5 years after
 76 the imposition of sentence.

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77 (4) The council shall hold at least four public hearings
78 annually throughout the state to solicit input from the public
79 regarding justice for victims, victims' concerns, restitution
80 for victims, judicial reforms that would reduce the suffering of
81 crime victims and their families and improve the treatment of
82 victims and their families in state courts, and other relevant
83 issues. The council shall devote at least one public hearing to
84 the issues facing families of victims of murder, delays in
85 capital cases, and proposals to reduce these delays in this
86 state. The council must review laws in other states in which the
87 delays have been reduced.

88 (5) The council must submit an annual report to the
89 Governor, the President of the Senate, and the Speaker of the
90 House of Representatives at least 60 days before each
91 legislative session. Each report shall contain specific
92 recommendations for enhancing justice for victims of crime,
93 including the families of murder victims in capital cases. The
94 recommendations of the council must include proposed legislation
95 and constitutional reforms that will improve justice for victims
96 of crime and family members related to victims of murder.

97 (6) Council members may not receive remuneration for their
98 services, but members are entitled to reimbursement for travel
99 and per diem expenses in accordance with s. 112.061.

100 (7) The council, with approval from the Executive Office
101 of the Governor, may employ or contract with an executive
102 director who possesses at least 2 years' previous experience in
103 criminal law and legislative affairs and has worked directly
104 with victims of crime and with families of victims of murder.

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105 | The executive director may employ or contract with two
106 | additional staff members or consultants who have relevant
107 | experience in the field of crime victims' rights or data
108 | analysis and one administrative assistant. The Department of Law
109 | Enforcement shall provide administrative support to the council
110 | and its staff.

111 | Section 2. This act shall take effect July 1, 2005.