

Bill No. SB 2314

Barcode 951330

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Crist) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

943.0315 Victims Voice Council.--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.

(1)(a) The council shall be composed of 14 members.

The executive director of the Department of Law Enforcement,

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1 the Secretary of Juvenile Justice, and the Secretary of
2 Corrections, or his or her designee, shall personally serve as
3 a member of the council. Additional members of the council
4 shall be appointed by the Governor and may include the
5 Governor's Victims' Rights Advocate; the director of the Crime
6 Victims' Services Office within the Department of Legal
7 Affairs; a state attorney; a sheriff; a police chief; a
8 circuit judge; a representative of the Florida Network of
9 Victim/Witness Services, Inc.; and a representative of the
10 Justice Coalition. The Governor shall appoint at least three
11 members who have been the victim of a crime, one of whom must
12 be related either to a victim of murder or to the surviving
13 spouse of a victim of murder.

14 (b) The appointments must be made by September 1,
15 2005, and the council shall hold its first meeting within 60
16 days after the appointment of its members. Any vacancy that
17 occurs on the council must be filled in the same manner as the
18 original appointment.

19 (2) Members of the council are entitled to one vote
20 each, and an action of the council is not binding unless a
21 majority of the total number of votes cast are in favor of the
22 action. The council may not act unless a majority of its
23 members are present at a meeting. The council shall elect a
24 chairperson from among its members.

25 (3) The council shall review the nature and severity
26 of the losses and other associated difficulties suffered by
27 crime victims and families of victims of murder and shall
28 review the state's services provided to victims as well as
29 other responses to the needs of victims. In addition, the
30 council should consider other factors adversely affecting
31 victims, including delays in capital cases and recommendations

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1 for judicial reforms to reduce the delays. Included in the
2 council's review must be an evaluation of:

3 (a) The services available to victims as described in
4 s. 960.001(1)(a).

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

8 (c) The imposition, collection, and distribution of
9 victim restitution.

10 (d) The necessary state constitutional reforms that
11 would facilitate the resolution of capital cases within 5
12 years after the imposition of sentence.

13 (4) The council shall hold at least four public
14 hearings annually throughout the state to solicit input from
15 the public regarding justice for victims, victims' concerns,
16 restitution for victims, judicial reforms that would reduce
17 the suffering of crime victims and their families and improve
18 the treatment of victims and their families in state courts,
19 and other relevant issues. The council shall devote at least
20 one public hearing to the issues facing families of victims of
21 murder, delays in capital cases, and proposals to reduce these
22 delays in this state. The council must review laws in other
23 states in which the delays have been reduced.

24 (5) The council must prepare an annual report to the
25 Governor, the President of the Senate, and the Speaker of the
26 House of Representatives at least 60 days before each
27 legislative session. The reports shall contain specific
28 recommendations for enhancing justice for victims of crime,
29 including the families of murdered victims in capital cases.
30 The recommendations of the council must include proposed
31 legislation and constitutional reforms that will improve

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1 justice for victims of crime and family members related to
2 victims of murder.

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

6 (7) The council, with approval from the Executive
7 Office of the Governor, may employ or contract with an
8 executive director who possesses at least 2 years' previous
9 experience in criminal law and legislative affairs and has
10 worked directly with victims of crime and with families of
11 victims of murder. The executive director may employ or
12 contract with two additional staff members or consultants who
13 have relevant experience in the field of crime-victims' rights
14 or data analysis and one administrative assistant. The
15 Department of Law Enforcement shall provide administrative
16 support to the council and its staff.

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

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete everything before the enacting clause

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24 and insert:

25 A bill to be entitled
26 An act relating to justice for crime victims;
27 creating s. 943.0315, F.S.; creating the
28 Victims Voice Council within the Department of
29 Law Enforcement; providing membership;
30 requiring the council to review the needs of
31 persons who are the victims of crime in this

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1 state; requiring the council to review and
2 comment on certain specified issues; requiring
3 the council to hold public hearings each year;
4 requiring the council to prepare a report and
5 to deliver the report to the Governor and the
6 Legislature by a specified date each year;
7 providing that members of the council are
8 entitled to reimbursement for travel and per
9 diem; authorizing the council to employ an
10 executive director and other staff; providing
11 an effective date.

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