

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Criminal Justice Committee

BILL: CS/SB 2314

SPONSOR: Criminal Justice Committee and Senator Crist

SUBJECT: Victims Voice Council

DATE: April 13, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>GO</u>	_____
4.	_____	_____	<u>JA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill creates a council, whose members shall be appointed by the Governor, to review, evaluate, and comment upon the experiences of crime victims and services that are currently available to them, death penalty appeals and potential statutory, constitutional, and judicial reforms related thereto, collection and disbursement of restitution, the statutory Crimes Compensation Trust Fund fee, the domestic violence surcharge, and various other aspects of the criminal justice system.

The council will serve in an advisory capacity to the Florida Department of Law Enforcement which will provide administrative support to the council and its staff.

This bill creates a new section of the Florida Statutes: 943.0315.

II. Present Situation:

Section 20.03, F.S., provides definitions for use throughout the structure of the executive branch. Presumably, the council created by this bill is an executive branch "organization" as the members are to be appointed by the Governor and the council is to be housed within and serve in an advisory capacity to the Florida Department of Law Enforcement, an executive agency.

"Council" is defined as: an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.
s. 20.03(7), F.S.

Chapter 960, F.S., is dedicated to Victim Assistance. Section 960.001, F.S., specifically requires the Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Parole Commission, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency to develop and implement guidelines to implement the constitutional and statutory rights of crime victims.

Section 943.031, F.S., governs the Florida Violent Crime and Drug Control Council which currently exists in an advisory capacity to the Department of Law Enforcement.

III. Effect of Proposed Changes:

This bill creates s. 943.0315, F.S. This new statute creates a council called the 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. The bill provides that the executive director of the Department of Law Enforcement, the secretary of Juvenile Justice, and the secretary of the Department of Corrections, or his or her designee, shall serve as a member of the council.

Additional members of the council are appointed by the Governor and may 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.

The Governor must also appoint at least three members who 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.

Initial appointments must be made by September 1, 2005. The initial meeting of the council must be within 60 days. Vacancies are filled in the same manner as the original appointment.

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

The duty of the council is to:

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), F.S.
- The imposition, collection, and distribution of the surcharge described in s. 938.08, F.S., and the fee required in s. 938.03, F.S., 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 before each legislative 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 in accordance with s. 112.061, F.S.

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.

The council has no date of expiration.

The effective date of the bill is July 1, 2005.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Department of Law Enforcement reports the following fiscal impact:

	FY 05-06	FY 06-07	FY 07-08
Recurring 5 FTE	355,600	355,644	355,644
Non-Recurring	120,139		

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
