

By Senator Campbell

38-00900-17

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1 A bill to be entitled
 2 An act relating to eligibility for victim compensation
 3 awards; amending s. 960.065, F.S.; providing that
 4 certain persons adjudicated guilty of burglary are
 5 eligible for such awards under certain circumstances;
 6 making technical changes; reenacting s. 960.07(1),
 7 F.S., relating to the filing of claims for
 8 compensation, to incorporate the amendment made to s.
 9 960.065, F.S., in a reference thereto; providing an
 10 effective date.

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

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 14 Section 1. Subsections (2) and (3) of section 960.065,
 15 Florida Statutes, are amended, and subsection (1) of that
 16 section is republished, to read:

17 960.065 Eligibility for awards.—

18 (1) Except as provided in subsection (2) or (3), the
 19 following persons are ~~shall be~~ eligible for awards pursuant to
 20 this chapter:

21 (a) A victim.

22 (b) An intervenor.

23 (c) A surviving spouse, parent or guardian, sibling, or
 24 child of a deceased victim or intervenor.

25 (d) Any other person who is dependent for his or her
 26 principal support upon a deceased victim or intervenor.

27 (2) A ~~Any~~ claim filed by or on behalf of a person described
 28 in paragraphs (a)-(e) is ineligible for an award pursuant to
 29 this chapter. ~~who:~~

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30 (a) A person who committed or aided in the commission of
31 the crime upon which the claim for compensation was based;

32 (b) A person who was engaged in an unlawful activity at the
33 time of the crime upon which the claim for compensation is
34 based, unless the victim was engaged in prostitution as a result
35 of being a victim of human trafficking as described in s.
36 787.06(3)(b), (d), (f), or (g);

37 (c) A person who was in custody or confined, regardless of
38 conviction, in a county or municipal detention facility, a state
39 or federal correctional facility, or a juvenile detention or
40 commitment facility at the time of the crime upon which the
41 claim for compensation is based;

42 (d) A person who has been adjudicated as a habitual felony
43 offender, habitual violent offender, or violent career criminal
44 under s. 775.084; or

45 (e) A person who has been adjudicated guilty of a forcible
46 felony offense as described in s. 776.08; however, if the person
47 has been adjudicated guilty of burglary, this subsection does
48 not apply unless he or she is convicted of a violation of s.
49 810.02(2)(a) or (b).

50
51 ~~is ineligible for an award.~~

52 (3) Any claim filed by or on behalf of a person who, at the
53 time of the crime on which the claim is based, was in custody or
54 confined, regardless of adjudication, in a county or municipal
55 facility, a state or federal correctional facility, or a
56 juvenile detention, commitment, or assessment facility and at
57 ~~the time of the crime upon which the claim is based,~~ who has
58 been adjudicated as a habitual felony offender under s. 775.084,

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59 or who has been adjudicated guilty of a forcible felony offense
60 as described in s. 776.08 ~~is renders the person~~ ineligible for
61 an award. However, if the person adjudicated guilty of a
62 forcible felony offense as described in s. 776.08 has been
63 adjudicated guilty of burglary, this subsection does not apply
64 unless he or she is convicted of a violation of s. 810.02(2)(a)
65 or (b). Notwithstanding the foregoing, upon a finding by the
66 Crime Victims' Services Office of the existence of mitigating or
67 special circumstances that would render such a disqualification
68 unjust, an award may be approved. A decision that mitigating or
69 special circumstances do not exist in a case subject to this
70 section does not constitute final agency action subject to
71 review pursuant to ss. 120.569 and 120.57.

72 Section 2. For the purpose of incorporating the amendment
73 made by this act to section 960.065, Florida Statutes, in a
74 reference thereto, subsection (1) of section 960.07, Florida
75 Statutes, is reenacted to read:

76 960.07 Filing of claims for compensation.—

77 (1) A claim for compensation may be filed by a person
78 eligible for compensation as provided in s. 960.065 or, if such
79 person is a minor, by his or her parent or guardian or, if the
80 person entitled to make a claim is mentally incompetent, by the
81 person's guardian or such other individual authorized to
82 administer his or her estate.

83 Section 3. This act shall take effect July 1, 2017.