

By Senator Book

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1                                   A bill to be entitled  
2       An act relating to victim rights; creating s.  
3       960.0011, F.S.; declaring legislative intent;  
4       specifying the rights to which every victim is  
5       entitled; creating s. 960.0012, F.S.; defining terms;  
6       creating s. 960.0013, F.S.; specifying rights that a  
7       victim may elect to exercise by providing notice to a  
8       state attorney or a law enforcement agency; providing  
9       for satisfaction of certain victim rights under  
10      certain circumstances; creating s. 960.0014, F.S.;  
11      prohibiting the questioning of a victim regarding  
12      certain sexual conduct; providing an exception;  
13      requiring a state attorney to advise a victim of a  
14      certain right; requiring the state attorney to  
15      immediately terminate a deposition if certain  
16      questions are asked; requiring a law enforcement  
17      agency and a state attorney to promptly return a  
18      victim's property; providing an exception; providing  
19      that a victim has the right to full and timely  
20      restitution; requiring a court's restitution order to  
21      be part of a sentence; requiring law enforcement  
22      agencies and the state attorney to inform victims of  
23      certain rights; providing requirements relating to the  
24      restitution order; creating s. 960.0016, F.S.;  
25      specifying that victims have a right to be informed of  
26      their rights; requiring the Office of the Attorney  
27      General to design and publish information that advises  
28      the general public and crime victims of their rights;  
29      requiring the Office of the Attorney General to design

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30 and distribute a certain form to each state attorney;  
31 providing requirements for such form; requiring law  
32 enforcement agencies that investigate offenses to  
33 provide a crime victim with a copy of the victim  
34 rights information card and an explanation of rights  
35 within a specified timeframe; providing requirements  
36 relating to the rights of crime victims; specifying  
37 that a victim has a right to retain a victim's  
38 attorney; specifying that such right does not create a  
39 right for a victim to retain an attorney at the  
40 public's expense; specifying persons who have standing  
41 and may assert specified rights; providing  
42 requirements relating to the assertion of such rights;  
43 renumbering and amending s. 960.001, F.S.; revising  
44 the persons who are required to develop, publish, post  
45 on a website, and implement certain guidelines to  
46 implement specified provisions of the State  
47 Constitution; revising the objectives those persons  
48 must achieve; conforming provisions to changes made by  
49 the act; renumbering and amending s. 960.0015, F.S.;  
50 providing for enforcement and protection of a victim's  
51 right to a prompt and final conclusion of a case and  
52 any relating proceedings; authorizing a state attorney  
53 at the trial court level to file a good faith demand  
54 for speedy trial under certain circumstances;  
55 providing court and related hearing requirements;  
56 creating reporting requirements based on specified  
57 time limits in the State Constitution; requiring a  
58 chief judge of a district court of appeal or the Chief

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59 Justice of the Supreme Court to enter a notice of  
60 delay under certain circumstances; providing filing  
61 requirements; requiring a chief judge of a district  
62 court of appeal or the Chief Justice of the Supreme  
63 Court annually and by a certain date to issue an aging  
64 report on a case-by-case basis to the Legislature  
65 containing specified information; providing  
66 requirements relating to the aging report; deleting  
67 provisions that authorize a state attorney to file a  
68 demand for speedy trial under certain circumstances;  
69 deleting provisions relating to a court scheduling a  
70 trial; deleting provisions allowing a trial court to  
71 postpone a trial date for a specified timeframe under  
72 certain circumstances; amending s. 960.0021, F.S.;  
73 revising the announcement that a court may make to  
74 fulfill an obligation to advise crime victims of  
75 certain rights; requiring the Office of the Attorney  
76 General, rather than the Department of Legal Affairs,  
77 to provide the courts with the posters displaying a  
78 certain notification; requiring the chief judge of a  
79 circuit court, rather than the circuit court  
80 administrator, to coordinate efforts to ensure that  
81 victim rights information is provided to the clerk of  
82 the court; deleting a provision relating to  
83 applicability; amending ss. 945.10 and 958.07, F.S.;  
84 conforming provisions to changes made by the act;  
85 providing an effective date.

86  
87 Be It Enacted by the Legislature of the State of Florida:

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89 Section 1. Section 960.0011, Florida Statutes, is created  
90 to read:

91 960.0011 Legislative intent; rights of victims.-

92 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature  
93 to implement, preserve, protect, and enforce the rights  
94 guaranteed to crime victims by s. 16(b), Art. I of the State  
95 Constitution in a manner no less vigorous than protections  
96 afforded to criminal defendants and juvenile delinquents. The  
97 Legislature intends:

98 (a) To ensure that crime victims are treated with fairness  
99 and respect for their dignity and privacy.

100 (b) To achieve justice, by recognizing a victim's right to  
101 have a meaningful role throughout the proceedings of the  
102 criminal and juvenile justice systems.

103 (c) To ensure that crime victims are informed of their  
104 rights and have standing to assert their rights in the courts of  
105 this state.

106 (d) To establish procedures for enforcement of those  
107 rights.

108 (2) RIGHTS OF VICTIMS.-Every victim is entitled to the  
109 following rights, beginning at the time of his or her  
110 victimization:

111 (a) The right to due process and to be treated with  
112 fairness and respect for their dignity.

113 (b) The right to be free from intimidation, harassment, and  
114 abuse.

115 (c) The right within the judicial process to be reasonably  
116 protected from the accused and any person acting on behalf of

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117 the accused.

118 (d) The right to confer. The right to confer does not  
119 create any right to interfere with the state attorney's  
120 discretion in determining what charges to bring, whether to go  
121 to trial on a case, or what plea offer to make. The right to  
122 confer is intended to give crime victims a means to be heard and  
123 have their views considered, but it does not give them the right  
124 to veto decisions by the state.

125 (e) The right to have their safety and welfare and that of  
126 their family considered when setting bail, including setting  
127 pretrial release conditions that protect their safety and  
128 welfare and that of their family.

129 (f) The right to have a support person. A support person is  
130 an individual who the victim or next friend believes will be  
131 capable to assist and provide comfort to the victim throughout  
132 the case. The support person must be allowed to attend all  
133 proceedings the victim may choose to or be required to attend,  
134 including any physical or mental examinations, hearings,  
135 statements, depositions, or trials. A support person may not be  
136 chosen from the good faith witness list provided by either the  
137 state or the defense either before or during the 30 days  
138 following the state's initial response to a defendant's request  
139 for discovery. Communications between the support person and the  
140 victim shall be confidential except for good cause upon motion  
141 to the court.

142 (g)1. The right to prevent the disclosure of information to  
143 the defense, or anyone acting on behalf of the defense, without  
144 a court order upon a motion to the court for good cause.

145 2. The right in subparagraph 1. includes the right to

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146 refuse to answer questions or any inquiries concerning any of  
147 the matters listed in this paragraph at a deposition or at any  
148 other interview.

149 3. Law enforcement officers, correctional officers, or  
150 correctional probation officers who become crime victims in the  
151 course and scope of their employment or official duties are  
152 exempt from privacy provisions as it pertains to their identity  
153 and the facts of the criminal event.

154 Section 2. Section 960.0012, Florida Statutes, is created  
155 to read:

156 960.0012 Definitions.—As used in this chapter, unless the  
157 context otherwise requires, the term:

158 (1) "Completion of sentence" means successful completion of  
159 any term of incarceration or legal constraint, payment of all  
160 court-imposed fines, and payment of all court-ordered  
161 restitution.

162 (2) "Confer" means to consult, share information, compare  
163 opinions, and carry on a discussion or deliberation with one or  
164 more persons.

165 (3) "Court proceedings" includes, but is not limited to, a  
166 first appearance hearing, an arraignment, any post-arraignment  
167 hearing the effect of which may be the release of the defendant  
168 from custody or to alter the conditions of bond, a change of  
169 plea hearing, a trial, any pretrial or post-trial hearing, a  
170 sentencing, any proceeding or hearing in a juvenile delinquency  
171 case, such as a detention hearing, an adjudicatory hearing, a  
172 disposition hearing, a detention hearing, or a juvenile  
173 mediation, and any oral argument or hearing before an appellate  
174 court, any competency hearing, a hearing for conditional

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175 release, any hearing related to a modification of sentence,  
176 probation or community control revocation hearing, aftercare  
177 release or parole hearings, post-conviction relief proceedings,  
178 habeas corpus proceedings, and clemency proceedings related to  
179 the defendant's or delinquent's conviction or sentence.

180 (4) "Crime" and "criminal" include delinquent acts and  
181 conduct committed by juvenile offenders.

182 (5) "Sentence" includes, but is not limited to, the  
183 imposition of sentence, probation, community control, other  
184 legal constraint, fines imposed, restitution, any conditions of  
185 any legal constraint, a request for a reduction in sentence,  
186 parole, mandatory supervised release, aftercare release, early  
187 release, inpatient treatment, outpatient treatment, conditional  
188 release after a finding that the defendant is not guilty by  
189 reason of insanity, clemency, or a proposal that would reduce  
190 any aspect of the defendant's sentence, including reducing a  
191 restitution order to a civil judgment, or that would result in  
192 the defendant's release.

193 (6) "Sentencing" includes, but is not limited to, the  
194 imposition of sentence or the disposition of a juvenile petition  
195 and also a request for a reduction or modification of sentence,  
196 parole, mandatory supervised release, community control,  
197 aftercare release, early release, consideration of inpatient  
198 treatment or outpatient treatment, commitment to the Department  
199 of Juvenile Justice or licensed child care agency, or  
200 conditional release after a finding that the defendant is not  
201 guilty by reason of insanity.

202 (7) "Status hearing" means a hearing designed to provide  
203 information to the court, at which no motion of a substantive

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204 nature and no constitutional or statutory right of a crime  
205 victim is implicated or at issue.

206 (8) "Support person" means an individual chosen by the  
207 victim, or in the case of minority or other disability, the  
208 court may determine who may act as the victim's next friend, and  
209 the next friend may select a support person.

210 (9) "Victim" means a person who suffers direct or  
211 threatened physical, psychological, or financial harm as a  
212 result of the commission or attempted commission of a crime or  
213 delinquent act or the person against whom the crime or  
214 delinquent act is committed. The term includes the victim's  
215 lawful representative, the parent or guardian of a minor or next  
216 friend as determined by the court, the next of kin of a homicide  
217 victim, and the victim's support person, except upon a showing  
218 that the interest of such individual would be in actual or  
219 potential conflict with the interests of the victim. The term  
220 does not include the accused.

221 (10) "Victim's attorney" means an attorney retained by the  
222 victim for the purposes of asserting the victim's constitutional  
223 and statutory rights. An attorney retained by the victim means  
224 an attorney who is hired to represent the victim at the victim's  
225 expense or an attorney who has agreed to provide pro bono  
226 representation.

227 Section 3. Section 960.0013, Florida Statutes, is created  
228 to read:

229 960.0013 Rights a victim may elect to exercise.-

230 (1) A crime victim may elect to exercise any or all of the  
231 following rights by providing notice to the appropriate state  
232 attorney or law enforcement agency:



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233       (a) The right to reasonable, accurate, and timely notice of  
234 all public court proceedings involving the criminal conduct or  
235 delinquent act, including, but not limited to, a trial, a plea,  
236 a sentencing, or an adjudication, even if the victim will be a  
237 witness at the proceeding, notwithstanding any rule of procedure  
238 to the contrary.

239       1. If a victim has requested notice of a court proceeding  
240 and is absent from that proceeding and the court determines the  
241 victim was not notified of the time and place of the court  
242 proceeding in a method reasonably designed to actually notify  
243 the victim, only a status hearing may be held at such time and  
244 all other matters must be continued to a later court proceeding  
245 where the victim is noticed in a manner as directed by the  
246 court.

247       2. A victim must be provided reasonable, accurate, and  
248 timely notice of any release or escape of the defendant or  
249 delinquent, and any proceeding during which a right of the  
250 victim is implicated.

251       a. The chief administrator, or a designee of the chief  
252 administrator, of a county jail, municipal jail, juvenile  
253 detention facility, or residential commitment facility shall  
254 make a reasonable attempt to notify the alleged victim or  
255 appropriate next of kin of the alleged victim or other  
256 designated contact within 4 hours after the release of the  
257 defendant on bail or, in the case of a juvenile offender, upon  
258 the release from residential detention or commitment. If the  
259 chief administrator or his or her designee is unable to contact  
260 the alleged victim or appropriate next of kin of the alleged  
261 victim or other designated contact by telephone, the chief

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262 administrator or his or her designee must send to the alleged  
263 victim, or appropriate next of kin of the alleged victim or  
264 other designated contact, a written notification of the  
265 defendant's release.

266 b. Unless otherwise requested by the victim or the  
267 appropriate next of kin of the victim or other designated  
268 contact, the information contained on the victim notification  
269 card must be sent by the chief administrator or his or her  
270 designee of the appropriate facility to the subsequent  
271 correctional or residential commitment facility following the  
272 sentencing and incarceration of the defendant, and unless  
273 otherwise requested by the victim or the appropriate next of kin  
274 of the victim or other designated contact, he or she must be  
275 notified of the release of the defendant from incarceration as  
276 provided by law.

277 c. If the defendant was arrested pursuant to a warrant or  
278 taken into custody pursuant to s. 985.101 in a jurisdiction  
279 other than the jurisdiction in which the defendant is being  
280 released, and the alleged victim or appropriate next of kin of  
281 the alleged victim or other designated contact does not waive  
282 the option for notification of release, the chief correctional  
283 officer or chief administrator of the facility releasing the  
284 defendant shall make a reasonable attempt to immediately notify  
285 the chief correctional officer of the jurisdiction in which the  
286 warrant was issued or the child was taken into custody pursuant  
287 to s. 985.101, and the chief correctional officer of that  
288 jurisdiction shall make a reasonable attempt to notify the  
289 alleged victim or appropriate next of kin of the alleged victim  
290 or other designated contact, as provided in this paragraph, that

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291 the defendant has been or will be released.

292 d. A victim may waive notification at any time, and such  
293 waiver shall be noted in the agency's files.

294 3. Each victim or witness scheduled to attend a court  
295 proceeding in either a criminal or juvenile justice proceeding  
296 shall be notified as soon as possible by the agency scheduling  
297 his or her appearance of any change in scheduling which may  
298 affect his or her appearance.

299 (b) The right to be present at all court proceedings.  
300 Notwithstanding any rule of procedure or court practice to the  
301 contrary, every crime victim has a right, even if he or she will  
302 be a witness in the proceeding, to attend and observe all court  
303 proceedings, including suppression or other evidentiary  
304 hearings, and to attend and observe the entire trial of the  
305 accused, including jury selection, witness examinations, and  
306 closing arguments. This right to attend proceedings is equal to  
307 that of the defendant or the delinquent charged with the  
308 criminal offense or delinquent act against the victim.

309 (c) The right to be heard in any public or court  
310 proceeding, including pretrial hearings or other hearings for  
311 release from any form of legal constraint, plea hearings,  
312 sentencing hearings, adjudication hearings, or parole hearings,  
313 and any proceeding during which a right of the victim is  
314 implicated.

315 1. Whenever a victim who is not incarcerated has the right  
316 to be heard, the court, subject to the proper functioning of the  
317 court, shall allow the victim to exercise this right in any  
318 reasonable manner the victim chooses.

319 2. In the case of incarcerated victims, the right to

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320 exercise the right to be heard is satisfied by submitting  
321 written statements at any stage of the criminal juvenile court  
322 hearings, parole hearings, or any administrative hearings.

323 (d) The right to be provided a copy of the police report.  
324 Upon the request of the victim, the law enforcement agency  
325 having jurisdiction shall provide a free copy of the police  
326 report concerning the victim's incident, as soon as practicable,  
327 but not later than 5 business days after the request. The law  
328 enforcement agency may redact any confidential or confidential  
329 and exempt information according to the public records laws in  
330 this state.

331 (e) The right to confer with the prosecuting attorney in  
332 any plea agreements and in proceedings regarding the  
333 participation of the accused in a formal or informal pretrial  
334 diversion program and proceedings regarding release,  
335 restitution, sentencing, or any other disposition of the case.

336 1. A state attorney office shall consider a written victim  
337 impact statement, if prepared before entering into a plea  
338 agreement, before making an offer of a plea bargain to the  
339 defendant, or entering into negotiations with the defendant  
340 concerning a possible plea agreement.

341 2. The right to confer with the prosecutor does not include  
342 the right to veto a plea agreement or to require the case go to  
343 trial.

344 (f) The right to provide information regarding the impact  
345 of the offender's conduct on the victim and the victim's family.  
346 The state attorney shall inform the victim of the victim's right  
347 to submit an oral or written impact statement pursuant to s.  
348 921.143 and shall assist in the preparation of such statement if

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349 necessary. The information provided by the victim shall be  
350 considered in any sentencing recommendations submitted to the  
351 court.

352 (g) The right to receive a copy of any presentence report  
353 and any other report or record relevant to the exercise of a  
354 victim's right, except that any confidential information  
355 pertaining to medical history, mental health, or substance  
356 abuse, and any information pertaining to any other victim, must  
357 be redacted from the copy of the report. Any person who reviews  
358 the report pursuant to this paragraph must maintain the  
359 confidentiality of the report and may not disclose its contents  
360 to any person except in statements made to the state attorney or  
361 the court.

362 (h) The right to be informed of the conviction, sentence,  
363 adjudication, place and time of incarceration or commitment in  
364 any type of facility, or other disposition of the convicted  
365 offender, any scheduled release date of the offender, and the  
366 release or escape of the offender from custody.

367 (i) The right to be informed of all postconviction  
368 processes and court proceedings and procedures, and the right to  
369 be notified of and to participate in such processes and  
370 procedures. The victim may be heard in a trial court by filing  
371 an amicus curiae that complies with the appropriate appellate  
372 rules or by appearing before panels, commissions, or boards to  
373 provide information to be considered before any release decision  
374 is made. The victim has the right to be notified of any release  
375 decision regarding the offender. At any parole hearing, the  
376 Control Release Authority must extend the right to be heard to  
377 any person harmed by the offender.

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378       (j) The right to be informed of clemency and discretionary  
379 expungement procedures, not including those that may occur by  
380 operation of law based on the passage of time, to provide  
381 information to the Governor, the court, any clemency board, and  
382 any other authority in these procedures, and to have that  
383 information considered before a clemency or expungement decision  
384 is made, and to be notified of such decision in advance of any  
385 release of the offender.

386       (2) The rights of a victim, as provided in sub-subparagraph  
387 (1) (a)2.a., sub-subparagraph (1) (a)2.b., or sub-subparagraph  
388 (1) (a)2.c., when the court proceeding is a first appearance  
389 hearing, are deemed to be satisfied by a reasonable attempt by  
390 the appropriate law enforcement agency to notify the victim and,  
391 if known, when the victim's views are timely conveyed to the  
392 court if the victim is unable to attend.

393       Section 4. Section 960.0014, Florida Statutes, is created  
394 to read:

395       960.0014 Rights of all crime victims.-

396       (1) To implement ss. 16(b) (1), (2), and (5) of Art. I of  
397 the State Constitution to prevent harassment of a victim, to be  
398 respectful of a victim's dignity, and to protect a victim's  
399 privacy, the defense or anyone acting on behalf of the defense  
400 may not ask any questions or make any inquiry during a pretrial  
401 deposition or statement into any matter concerning or relating  
402 to any sexual conduct by a victim which may have occurred before  
403 the offense for which the accused is charged, unless the defense  
404 has obtained a prior court order requiring such testimony, based  
405 on a finding by the trial judge that such testimony will likely  
406 be admissible evidence in a trial or hearing.

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407 (a) If the court grants the motion to allow deposition  
408 questions about prior sexual conduct, the court order  
409 authorizing the inquiry must be sufficiently detailed so as to  
410 prevent unfair surprise to the victim.

411 (b) If one or more questions concerning the prior sexual  
412 conduct of a victim is asked during a deposition without a court  
413 order authorizing such inquiry, the state attorney, on behalf of  
414 the victim, must advise the victim that there is no legal  
415 obligation to answer the question and shall immediately  
416 terminate the deposition. When a deposition has been terminated  
417 because of a violation of this paragraph, no further right to  
418 take the victim's deposition may be granted except upon an order  
419 of the court finding just cause.

420 (2) Law enforcement agencies and the state attorney shall  
421 promptly return a victim's property held for evidentiary  
422 purposes unless there is a compelling law enforcement reason for  
423 retaining it. The trial or juvenile court exercising  
424 jurisdiction over the court proceeding may enter appropriate  
425 orders to implement this subsection, including allowing  
426 photographs of the victim's property to be used as evidence at  
427 the criminal trial or the juvenile proceeding in place of the  
428 victim's property if no substantial evidentiary issue related to  
429 the property is in dispute.

430 (3) A victim has the right to full and timely restitution  
431 in every case and from each convicted offender for all losses  
432 the victim suffered, both directly and indirectly, as a result  
433 of the criminal conduct as determined by the court, or as  
434 stipulated to, when such stipulation is accepted by the court.  
435 The court's restitution order shall be part of the sentence for

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436 the criminal conduct.

437 (a) Law enforcement agencies and the state attorney shall  
438 inform the victim of the victim's right to request and receive  
439 restitution pursuant to s. 775.089 or s. 985.437 and of the  
440 victim's rights of enforcement under ss. 775.089(6) and 985.0301  
441 if an offender does not comply with a restitution order. The  
442 state attorney shall seek the victim's assistance in documenting  
443 the victim's losses for the purpose of requesting and receiving  
444 restitution.

445 (b) In addition, the state attorney shall inform the victim  
446 if restitution is ordered.

447 (c) The clerk of the court shall file a notice in the case  
448 certifying full payment of restitution at such time as the  
449 offender completes payment of all ordered restitution. The  
450 obligation to pay restitution survives the completion of any  
451 other forms of legal constraint, including probation, community  
452 control, or incarceration.

453 (d) If an order of restitution is converted to a civil lien  
454 or civil judgment against the defendant, information provided by  
455 the Secretary of State or The Florida Bar on enforcing a civil  
456 lien or judgment must be made available to a victim at the clerk  
457 of the court's office and on the clerk's website.

458 (e) An order of restitution may be enforced by all  
459 available and reasonable means.

460 (f) If an individual who is required to pay restitution  
461 receives substantial resources from any source, including an  
462 inheritance, a settlement, or any other judgment during a period  
463 of incarceration, the individual must apply the resources to the  
464 restitution balance until the restitution obligation is



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465 satisfied.

466 Section 5. Section 960.0016, Florida Statutes, is created  
467 to read:

468 960.0016 Duty to provide victims with notice of their  
469 rights.-

470 (1) Victims have a right to be informed of their rights  
471 under s. 16(b), Art. I of the State Constitution and under state  
472 law, and to be informed that they may seek the advice of an  
473 attorney with respect to their rights.

474 (a) The Office of the Attorney General shall design and  
475 publish information that advises the general public and crime  
476 victims of their rights. This information must be made available  
477 to the general public and provided to all crime victims in the  
478 form of a card or by other means intended for use by law  
479 enforcement agencies or other entities assisting victims to  
480 effectively advise them of their rights. The victim rights  
481 information card should advise victims where they can acquire  
482 additional information about their rights and how to make  
483 elections to exercise optional rights. The card must provide  
484 information about crime victim compensation, including how to  
485 contact the Office of the Attorney General to file a claim, and  
486 include appropriate referrals to local and state programs that  
487 provide victim services.

488 (b) The Office of the Attorney General shall design and  
489 distribute a form to each state attorney which may be used by  
490 victims to elect which rights they may wish to exercise. The  
491 completed election of rights form must be filed with the court  
492 and must be available to the trial judge. The form may be  
493 amended at any time. The state attorneys shall make the form

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494 available to victims, law enforcement officers, clerks of court,  
495 and state and local programs that provide victim services. The  
496 form may also be available for download on state attorney  
497 websites or the websites of other criminal or juvenile justice  
498 system participants.

499 (c) A law enforcement agency that investigates an offense  
500 committed in this state shall provide a crime victim with a copy  
501 of the victim rights information card and an explanation of the  
502 rights of crime victims within 48 hours after the law  
503 enforcement agency's initial contact with a victim. Law  
504 enforcement agencies shall also provide a crime victim with a  
505 form the victim shall sign and date as an acknowledgment that he  
506 or she has been furnished with information on and an explanation  
507 of the rights of crime victims and compensation. If the victim  
508 chooses not to sign the statement, a notation must be made in a  
509 report.

510 (d) The clerk of the circuit court shall post the rights of  
511 crime victims within 3 feet of the door to any courtroom where  
512 criminal proceedings are conducted and on the clerk's website.  
513 The clerk may also post the rights in other locations in the  
514 courthouse.

515 (2) At any point, the victim has the right to retain a  
516 victim's attorney who may be present with the victim during all  
517 stages of any interview, investigation, or other interaction  
518 with representatives of the criminal justice system with which  
519 the victim is required to interact. Treatment of the victim may  
520 not be affected or altered in any way as a result of the  
521 victim's decision to exercise this right. This subsection does  
522 not create a right for a victim to retain an attorney at the

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523 public's expense.

524 (a) An attorney wishing to appear on behalf of a victim  
525 shall file a limited notice of appearance allowing the attorney  
526 to assert and protect the victim's rights.

527 (b) Upon the filing of the notice of appearance and service  
528 on the office of state attorney and the defendant and his or her  
529 attorney, the attorney shall receive copies of all notices,  
530 motions, and court orders filed thereafter in the case.

531 (3) The victim, the victim's attorney, a lawful  
532 representative of the victim, the parents or guardian of a  
533 victim who is a minor, or the office of the state attorney, upon  
534 request of the victim, have standing and may assert and seek  
535 enforcement of the rights enumerated in s. 16(b), Art. I of the  
536 State Constitution, this chapter, or any other right afforded to  
537 a victim by law in any trial or appellate court or before any  
538 other authority with jurisdiction over the case.

539 (a) The court or other authority with jurisdiction shall  
540 act promptly on such a request, affording a remedy for the  
541 violation of any right. The court shall make written findings  
542 supporting any decision regarding the disposition of a victim's  
543 rights.

544 1. If the court determines that a victim's rights have been  
545 violated, the court must determine an appropriate remedy for the  
546 violation of the victim's rights by hearing from the victim and  
547 the parties, considering all factors relevant to the issue, and  
548 awarding appropriate relief to the victim.

549 2. An appropriate remedy shall include only actions  
550 necessary to provide the victim the right to which the victim is  
551 entitled and may include reopening previously held proceedings;

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552 however, the court may not vacate a conviction. Any remedy shall  
553 be tailored to provide the victim an appropriate remedy. An  
554 appropriate remedy may not be a new trial, damages, or costs.

555 (b) The defendant in a criminal case has no standing to  
556 assert a right of the victim in any court proceeding, including  
557 on appeal.

558 Section 6. Section 960.001, Florida Statutes, is renumbered  
559 as section 960.0017, Florida Statutes, and amended to read:

560 960.0017 ~~960.001~~ Guidelines for fair treatment of victims  
561 and witnesses in the criminal justice and juvenile justice  
562 systems.—

563 (1) The Attorney General ~~Department of Legal Affairs~~, the  
564 state attorneys, the Secretary of the Department of Corrections,  
565 the Secretary of the Department of Juvenile Justice, the Florida  
566 Commission on Offender Review, the Chief Justice of the Supreme  
567 Court ~~State Courts Administrator~~ and the chief judge of each  
568 circuit court ~~administrators~~, the Executive Director of the  
569 Department of Law Enforcement, and every sheriff ~~sheriff's~~  
570 ~~department~~, police department, or other law enforcement agency  
571 as defined in s. 943.10(4) shall develop, publish, post on any  
572 agency or court entity website, and implement guidelines for the  
573 use of their respective agencies, which guidelines are  
574 consistent with the purposes of this act and s. 16(b), Art. I of  
575 the State Constitution and are designed to implement s. 16(b),  
576 Art. I of the State Constitution and to achieve the following  
577 objectives:

578 (a) *Information concerning services available to victims of*  
579 *adult and juvenile crime.*—As provided in s. 27.0065, state  
580 attorneys and public defenders shall gather information

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581 regarding the following services in the geographic boundaries of  
582 their respective circuits and shall provide such information to  
583 each law enforcement agency with jurisdiction within such  
584 geographic boundaries. Law enforcement personnel shall ensure,  
585 through distribution of a victim ~~victim's~~ rights information  
586 card or brochure at the crime scene, during the criminal  
587 investigation, and in any other appropriate manner, that victims  
588 are given, as a matter of course at the earliest possible time,  
589 information about:

590 1. The availability of crime victim compensation, if  
591 applicable;

592 2. Crisis intervention services, supportive or bereavement  
593 counseling, social service support referrals, and community-  
594 based victim treatment programs;

595 3. The role of the victim in the criminal or juvenile  
596 justice process, including what the victim may expect from the  
597 system as well as what the system expects from the victim; and

598 4. The stages in the criminal or juvenile justice process  
599 which may be of the greatest ~~are of~~ significance or interest to  
600 the victim and the manner in which information about such stages  
601 can be obtained. †

602 ~~5. The right of a victim, who is not incarcerated,~~  
603 ~~including the victim's parent or guardian if the victim is a~~  
604 ~~minor, the lawful representative of the victim or of the~~  
605 ~~victim's parent or guardian if the victim is a minor, and the~~  
606 ~~next of kin of a homicide victim, to be informed, to be present,~~  
607 ~~and to be heard when relevant, at all crucial stages of a~~  
608 ~~criminal or juvenile proceeding, to the extent that this right~~  
609 ~~does not interfere with constitutional rights of the accused, as~~

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610 provided by s. 16(b), Art. I of the State Constitution;

611 ~~6. In the case of incarcerated victims, the right to be~~  
612 ~~informed and to submit written statements at all crucial stages~~  
613 ~~of the criminal proceedings, parole proceedings, or juvenile~~  
614 ~~proceedings; and~~

615 ~~7. The right of a victim to a prompt and timely disposition~~  
616 ~~of the case in order to minimize the period during which the~~  
617 ~~victim must endure the responsibilities and stress involved to~~  
618 ~~the extent that this right does not interfere with the~~  
619 ~~constitutional rights of the accused.~~

620 (b) *Information for purposes of notifying victim or*  
621 *appropriate next of kin of victim or other designated contact of*  
622 *victim.—In the case of a homicide, pursuant to chapter 782; or a*  
623 *sexual offense, pursuant to chapter 794; or an attempted murder*  
624 *or sexual offense, pursuant to chapter 777; or stalking,*  
625 *pursuant to s. 784.048; or domestic violence, pursuant to s.*  
626 *25.385:*

627 1. The arresting law enforcement officer or personnel of an  
628 organization that provides assistance to a victim or to the  
629 appropriate next of kin of the victim or other designated  
630 contact must request that the victim or appropriate next of kin  
631 of the victim or other designated contact complete a victim  
632 notification card. However, the victim or appropriate next of  
633 kin of the victim or other designated contact may choose not to  
634 complete the victim notification card.

635 2. Unless the victim or the appropriate next of kin of the  
636 victim or other designated contact waives the option to complete  
637 the victim notification card, a copy of the victim notification  
638 card must be filed with the incident report or warrant in the

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639 sheriff's office of the jurisdiction in which the incident  
640 report or warrant originated. The notification card shall, at a  
641 minimum, consist of:

- 642 a. The name, address, and phone number of the victim; or  
643 b. The name, address, and phone number of the appropriate  
644 next of kin of the victim; or  
645 c. The name, address, and telephone number of a designated  
646 contact other than the victim or appropriate next of kin of the  
647 victim; and  
648 d. Any relevant identification or case numbers assigned to  
649 the case.

650  
651 The victim notification card is confidential unless the court,  
652 upon a motion, makes all or part of the information on the card  
653 available to the defense.

654 ~~3. The chief administrator, or a person designated by the~~  
655 ~~chief administrator, of a county jail, municipal jail, juvenile~~  
656 ~~detention facility, or residential commitment facility shall~~  
657 ~~make a reasonable attempt to notify the alleged victim or~~  
658 ~~appropriate next of kin of the alleged victim or other~~  
659 ~~designated contact within 4 hours following the release of the~~  
660 ~~defendant on bail or, in the case of a juvenile offender, upon~~  
661 ~~the release from residential detention or commitment. If the~~  
662 ~~chief administrator, or designee, is unable to contact the~~  
663 ~~alleged victim or appropriate next of kin of the alleged victim~~  
664 ~~or other designated contact by telephone, the chief~~  
665 ~~administrator, or designee, must send to the alleged victim or~~  
666 ~~appropriate next of kin of the alleged victim or other~~  
667 ~~designated contact a written notification of the defendant's~~

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668 ~~release.~~

669 ~~4. Unless otherwise requested by the victim or the~~  
670 ~~appropriate next of kin of the victim or other designated~~  
671 ~~contact, the information contained on the victim notification~~  
672 ~~card must be sent by the chief administrator, or designee, of~~  
673 ~~the appropriate facility to the subsequent correctional or~~  
674 ~~residential commitment facility following the sentencing and~~  
675 ~~incarceration of the defendant, and unless otherwise requested~~  
676 ~~by the victim or the appropriate next of kin of the victim or~~  
677 ~~other designated contact, he or she must be notified of the~~  
678 ~~release of the defendant from incarceration as provided by law.~~

679 ~~5. If the defendant was arrested pursuant to a warrant~~  
680 ~~issued or taken into custody pursuant to s. 985.101 in a~~  
681 ~~jurisdiction other than the jurisdiction in which the defendant~~  
682 ~~is being released, and the alleged victim or appropriate next of~~  
683 ~~kin of the alleged victim or other designated contact does not~~  
684 ~~waive the option for notification of release, the chief~~  
685 ~~correctional officer or chief administrator of the facility~~  
686 ~~releasing the defendant shall make a reasonable attempt to~~  
687 ~~immediately notify the chief correctional officer of the~~  
688 ~~jurisdiction in which the warrant was issued or the juvenile was~~  
689 ~~taken into custody pursuant to s. 985.101, and the chief~~  
690 ~~correctional officer of that jurisdiction shall make a~~  
691 ~~reasonable attempt to notify the alleged victim or appropriate~~  
692 ~~next of kin of the alleged victim or other designated contact,~~  
693 ~~as provided in this paragraph, that the defendant has been or~~  
694 ~~will be released.~~

695 *(c) Information concerning protection available to victim*  
696 *or witness.*-A victim or witness shall be furnished, as a matter



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697 of course, with information on steps that are available to law  
698 enforcement officers and state attorneys to protect victims and  
699 witnesses from intimidation. Victims of domestic violence shall  
700 also be given information about the address confidentiality  
701 program provided under s. 741.403.

702 ~~(d) Notification of scheduling changes. Each victim or~~  
703 ~~witness who has been scheduled to attend a criminal or juvenile~~  
704 ~~justice proceeding shall be notified as soon as possible by the~~  
705 ~~agency scheduling his or her appearance of any change in~~  
706 ~~scheduling which will affect his or her appearance.~~

707 ~~(e) Advance notification to victim or relative of victim~~  
708 ~~concerning judicial proceedings; right to be present. Any~~  
709 ~~victim, parent, guardian, or lawful representative of a minor~~  
710 ~~who is a victim, or relative of a homicide victim shall receive~~  
711 ~~from the appropriate agency, at the address found in the police~~  
712 ~~report or the victim notification card if such has been provided~~  
713 ~~to the agency, prompt advance notification, unless the agency~~  
714 ~~itself does not have advance notification, of judicial and~~  
715 ~~postjudicial proceedings relating to his or her case, including~~  
716 ~~all proceedings or hearings relating to:~~

717 ~~1. The arrest of an accused;~~

718 ~~2. The release of the accused pending judicial proceedings~~  
719 ~~or any modification of release conditions; and~~

720 ~~3. Proceedings in the prosecution or petition for~~  
721 ~~delinquency of the accused, including the filing of the~~  
722 ~~accusatory instrument, the arraignment, disposition of the~~  
723 ~~accusatory instrument, trial or adjudicatory hearing, sentencing~~  
724 ~~or disposition hearing, appellate review, subsequent~~  
725 ~~modification of sentence, collateral attack of a judgment, and,~~

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726 ~~when a term of imprisonment, detention, or residential~~  
727 ~~commitment is imposed, the release of the defendant or juvenile~~  
728 ~~offender from such imprisonment, detention, or residential~~  
729 ~~commitment by expiration of sentence or parole and any meeting~~  
730 ~~held to consider such release.~~

731  
732 ~~A victim, a victim's parent or guardian if the victim is a~~  
733 ~~minor, a lawful representative of the victim or of the victim's~~  
734 ~~parent or guardian if the victim is a minor, or a victim's next~~  
735 ~~of kin may not be excluded from any portion of any hearing,~~  
736 ~~trial, or proceeding pertaining to the offense based solely on~~  
737 ~~the fact that such person is subpoenaed to testify, unless, upon~~  
738 ~~motion, the court determines such person's presence to be~~  
739 ~~prejudicial. The appropriate agency with respect to notification~~  
740 ~~under subparagraph 1. is the arresting law enforcement agency,~~  
741 ~~and the appropriate agency with respect to notification under~~  
742 ~~subparagraphs 2. and 3. is the Attorney General or state~~  
743 ~~attorney, unless the notification relates to a hearing~~  
744 ~~concerning parole, in which case the appropriate agency is the~~  
745 ~~Florida Commission on Offender Review. The Department of~~  
746 ~~Corrections, the Department of Juvenile Justice, or the sheriff~~  
747 ~~is the appropriate agency with respect to release by expiration~~  
748 ~~of sentence or any other release program provided by law. A~~  
749 ~~victim may waive notification at any time, and such waiver shall~~  
750 ~~be noted in the agency's files.~~

751 (d)(f) *Information concerning release from incarceration*  
752 *from a county jail, municipal jail, juvenile detention facility,*  
753 *or residential commitment facility.*—The chief administrator, or  
754 a person designated by the chief administrator, of a county

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755 jail, municipal jail, juvenile detention facility, or  
756 residential commitment facility shall, upon the request of the  
757 victim or the appropriate next of kin of a victim or other  
758 designated contact of the victim of any of the crimes specified  
759 in paragraph (b), make a reasonable attempt to notify the victim  
760 or appropriate next of kin of the victim or other designated  
761 contact before the defendant's or offender's release from  
762 incarceration, detention, or residential commitment if the  
763 victim notification card has been provided pursuant to paragraph  
764 (b). If prior notification is not successful, a reasonable  
765 attempt must be made to notify the victim or appropriate next of  
766 kin of the victim or other designated contact within 4 hours  
767 following the release of the defendant or offender from  
768 incarceration, detention, or residential commitment. If the  
769 defendant is released following sentencing, disposition, or  
770 furlough, the chief administrator or designee shall make a  
771 reasonable attempt to notify the victim or the appropriate next  
772 of kin of the victim or other designated contact within 4 hours  
773 following the release of the defendant. If the chief  
774 administrator or designee is unable to contact the victim or  
775 appropriate next of kin of the victim or other designated  
776 contact by telephone, the chief administrator or designee must  
777 send to the victim or appropriate next of kin of the victim or  
778 other designated contact a written notification of the  
779 defendant's or offender's release.

780 ~~(g) Consultation with victim or guardian or family of~~  
781 ~~victim.~~

782 ~~1. In addition to being notified of s. 921.143, the victim~~  
783 ~~of a felony involving physical or emotional injury or trauma or,~~

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784 ~~in a case in which the victim is a minor child or in a homicide,~~  
785 ~~the guardian or family of the victim shall be consulted by the~~  
786 ~~state attorney in order to obtain the views of the victim or~~  
787 ~~family about the disposition of any criminal or juvenile case~~  
788 ~~brought as a result of such crime, including the views of the~~  
789 ~~victim or family about:~~

790 ~~a. The release of the accused pending judicial proceedings;~~

791 ~~b. Plea agreements;~~

792 ~~e. Participation in pretrial diversion programs; and~~

793 ~~d. Sentencing of the accused.~~

794 ~~2. Upon request, the state attorney shall permit the~~  
795 ~~victim, the victim's parent or guardian if the victim is a~~  
796 ~~minor, the lawful representative of the victim or of the~~  
797 ~~victim's parent or guardian if the victim is a minor, or the~~  
798 ~~victim's next of kin in the case of a homicide to review a copy~~  
799 ~~of the presentence investigation report before the sentencing~~  
800 ~~hearing if one was completed. Any confidential information that~~  
801 ~~pertains to medical history, mental health, or substance abuse~~  
802 ~~and any information that pertains to any other victim shall be~~  
803 ~~redacted from the copy of the report. Any person who reviews the~~  
804 ~~report pursuant to this paragraph must maintain the~~  
805 ~~confidentiality of the report and may not disclose its contents~~  
806 ~~to any person except statements made to the state attorney or~~  
807 ~~the court.~~

808 ~~3. If an inmate has been approved for community work~~  
809 ~~release, the Department of Corrections shall, upon request and~~  
810 ~~as provided in s. 944.605, notify the victim, the victim's~~  
811 ~~parent or guardian if the victim is a minor, the lawful~~  
812 ~~representative of the victim or of the victim's parent or~~

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813 guardian if the victim is a minor, or the victim's next of kin  
814 if the victim is a homicide victim.

815 ~~(h) Return of property to victim.—Law enforcement agencies~~  
816 ~~and the state attorney shall promptly return a victim's property~~  
817 ~~held for evidentiary purposes unless there is a compelling law~~  
818 ~~enforcement reason for retaining it. The trial or juvenile court~~  
819 ~~exercising jurisdiction over the criminal or juvenile proceeding~~  
820 ~~may enter appropriate orders to implement this subsection,~~  
821 ~~including allowing photographs of the victim's property to be~~  
822 ~~used as evidence at the criminal trial or the juvenile~~  
823 ~~proceeding in place of the victim's property if no substantial~~  
824 ~~evidentiary issue related thereto is in dispute.~~

825 ~~(e)(i) Notification to employer and explanation to~~  
826 ~~creditors of victim or witness.—A victim or witness who so~~  
827 ~~requests shall be assisted by law enforcement agencies and the~~  
828 ~~state attorney in informing his or her employer that the need~~  
829 ~~for victim and witness cooperation in the prosecution of the~~  
830 ~~case may necessitate the absence of that victim or witness from~~  
831 ~~work. A victim or witness who, as a direct result of a crime or~~  
832 ~~of his or her cooperation with law enforcement agencies or a~~  
833 ~~state attorney, is subjected to serious financial strain shall~~  
834 ~~be assisted by such agencies and state attorney in explaining to~~  
835 ~~the creditors of such victim or witness the reason for such~~  
836 ~~serious financial strain.~~

837 ~~(j) Notification of right to request restitution.—Law~~  
838 ~~enforcement agencies and the state attorney shall inform the~~  
839 ~~victim of the victim's right to request and receive restitution~~  
840 ~~pursuant to s. 775.089 or s. 985.437, and of the victim's rights~~  
841 ~~of enforcement under ss. 775.089(6) and 985.0301 in the event an~~

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842 ~~offender does not comply with a restitution order. The state~~  
843 ~~attorney shall seek the assistance of the victim in the~~  
844 ~~documentation of the victim's losses for the purpose of~~  
845 ~~requesting and receiving restitution. In addition, the state~~  
846 ~~attorney shall inform the victim if and when restitution is~~  
847 ~~ordered. If an order of restitution is converted to a civil lien~~  
848 ~~or civil judgment against the defendant, the clerks shall make~~  
849 ~~available at their office, as well as on their website,~~  
850 ~~information provided by the Secretary of State, the court, or~~  
851 ~~The Florida Bar on enforcing the civil lien or judgment.~~

852 ~~(k) Notification of right to submit impact statement. The~~  
853 ~~state attorney shall inform the victim of the victim's right to~~  
854 ~~submit an oral or written impact statement pursuant to s.~~  
855 ~~921.143 and shall assist in the preparation of such statement if~~  
856 ~~necessary.~~

857 ~~(f)(1) Local witness coordination services.~~—The  
858 requirements for notification provided for in paragraphs (c) and  
859 (e), ~~(d)~~, and ~~(i)~~ may be performed by the state attorney or  
860 public defender for their own witnesses.

861 ~~(g)(m) Victim assistance education and training.~~—Victim  
862 assistance education and training shall be offered to persons  
863 taking courses at law enforcement training facilities and to  
864 state attorneys and assistant state attorneys so that victims  
865 may be promptly, properly, and completely assisted.

866 ~~(h)(n) General victim assistance.~~—Victims and witnesses  
867 shall be provided with such other assistance, such as  
868 transportation, parking, separate pretrial waiting areas, and  
869 translator services in attending court, as is practicable.

870 ~~(i)(o) Victim Victim's rights information card or~~

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871 brochure.—A victim of a crime shall be provided with a victim  
872 ~~victim's~~ rights information card or brochure containing  
873 essential information concerning the rights of a victim and  
874 services available to a victim as required by state law.

875 (j) ~~(e)~~ *Information concerning escape from a state*  
876 *correctional institution, county jail, juvenile detention*  
877 *facility, or residential commitment facility.*—In any case where  
878 an offender escapes from a state correctional institution,  
879 private correctional facility, county jail, juvenile detention  
880 facility, or residential commitment facility, the institution of  
881 confinement shall immediately notify the state attorney of the  
882 jurisdiction where the criminal charge or petition for  
883 delinquency arose and the judge who imposed the sentence of  
884 incarceration. The state attorney shall thereupon make every  
885 effort to notify the victim, material witness, parents or legal  
886 guardian of a minor who is a victim or witness, or immediate  
887 relatives of a homicide victim of the escapee. The state  
888 attorney shall also notify the sheriff of the county where the  
889 criminal charge or petition for delinquency arose. The sheriff  
890 shall offer assistance upon request. When an escaped offender is  
891 subsequently captured or is captured and returned to the  
892 institution of confinement, the institution of confinement shall  
893 again immediately notify the appropriate state attorney and  
894 sentencing judge pursuant to this section.

895 (k) ~~(e)~~ *Presence of victim advocate during discovery*  
896 *deposition; testimony of victim of a sexual offense.*—At the  
897 request of the victim or the victim's parent, guardian, or  
898 lawful representative, the victim advocate designated by the  
899 state attorney's office, sheriff's office, or municipal police

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900 department, or one representative from a not-for-profit victim  
901 services organization, including, but not limited to, rape  
902 crisis centers, domestic violence advocacy groups, ~~and~~ alcohol  
903 abuse or substance abuse groups, and the victim's support person  
904 shall be permitted to attend and be present during any  
905 deposition of the victim. The victim of a sexual offense shall  
906 be informed of the right to have the courtroom cleared of  
907 certain persons as provided in s. 918.16 when the victim is  
908 testifying concerning that offense.

909 (l) ~~(r)~~ *Implementing crime prevention in order to protect*  
910 *the safety of persons and property, as prescribed in the State*  
911 *Comprehensive Plan.*—By preventing crimes that create victims or  
912 further harm former victims, crime prevention efforts are an  
913 essential part of providing effective service for victims and  
914 witnesses. Therefore, the agencies identified in this subsection  
915 may participate in and expend funds for crime prevention, public  
916 awareness, public participation, and educational activities  
917 directly relating to, and in furtherance of, existing public  
918 safety statutes. Furthermore, funds may not be expended for the  
919 purpose of influencing public opinion on public policy issues  
920 that have not been resolved by the Legislature or the  
921 electorate.

922 (m) ~~(s)~~ *Attendance of victim at same school as defendant.*—If  
923 the victim of an offense committed by a juvenile is a minor, the  
924 Department of Juvenile Justice shall request information to  
925 determine if the victim, or any sibling of the victim, attends  
926 or is eligible to attend the same school as the offender.  
927 However, if the offender is subject to a presentence  
928 investigation by the Department of Corrections, the Department



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929 of Corrections shall make such request. If the victim or any  
930 sibling of the victim attends or is eligible to attend the same  
931 school as that of the offender, the appropriate agency shall  
932 notify the victim's parent or legal guardian of the right to  
933 attend the sentencing or disposition of the offender and request  
934 that the offender be required to attend a different school.

935 (n)~~(t)~~ *Use of a polygraph examination or other truth-*  
936 *telling device with victim.*—A law enforcement officer,  
937 prosecuting attorney, or other government official may not ask  
938 or require an adult, youth, or child victim of an alleged sexual  
939 battery as defined in chapter 794 or other sexual offense to  
940 submit to a polygraph examination or other truth-telling device  
941 as a condition of proceeding with the investigation of such an  
942 offense. The refusal of a victim to submit to such an  
943 examination does not prevent the investigation, charging, or  
944 prosecution of the offense.

945 (o)~~(u)~~ *Presence of support person or victim advocates*  
946 *during forensic medical examination.*—At the request of the  
947 victim or the victim's parent, guardian, or lawful  
948 representative, the victim's support person or a victim advocate  
949 from a certified rape crisis center, or both, shall be permitted  
950 to attend any forensic medical examination.

951 (2) The secretary of the Department of Juvenile Justice,  
952 and sheriff, chief administrator, or any of their respective  
953 designees, who acts in good faith in making a reasonable attempt  
954 to comply with the provisions of this section with respect to  
955 timely victim notification, shall be immune from civil or  
956 criminal liability for an inability to timely notify the victim  
957 or appropriate next of kin of the victim or other designated

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958 contact of such information. A good faith effort shall be  
959 evidenced by a log entry noting that an attempt was made to  
960 notify the victim within the time period specified by this  
961 section.

962 (3) (a) A copy of the guidelines and an implementation plan  
963 adopted by each agency which must be published and posted on the  
964 agency's website must also ~~shall~~ be filed with the Governor, and  
965 subsequent changes or amendments thereto shall be likewise filed  
966 when adopted.

967 (b) A copy of a budget request prepared pursuant to chapter  
968 216 shall also be filed for the sole purpose of carrying out the  
969 activities and services outlined in the guidelines.

970 (c) The Governor shall advise state agencies of any  
971 statutory changes which require an amendment to their  
972 guidelines.

973 (d) The Executive Office of the Governor shall review the  
974 guidelines submitted pursuant to this section:

975 1. To determine whether all affected agencies have  
976 developed guidelines which address all appropriate aspects of  
977 this section;

978 2. To encourage consistency in the guidelines and plans in  
979 their implementation in each judicial circuit and throughout the  
980 state; and

981 3. To determine when an agency needs to amend or modify its  
982 existing guidelines.

983 (e) The Executive Office of the Governor shall issue an  
984 annual report detailing each agency's compliance or  
985 noncompliance with its duties as provided under this section. In  
986 addition, the Governor may apply to the circuit court of the

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987 county where the headquarters of such agency is located for  
988 injunctive relief against any agency which has failed to comply  
989 with any of the requirements of this section, which has failed  
990 to file the guidelines, or which has filed guidelines in  
991 violation of this section, to compel compliance with this  
992 section.

993 (4) The state attorney and one or more of the law  
994 enforcement agencies within each judicial circuit may develop  
995 and file joint agency guidelines, as required by this section,  
996 which allocate the statutory duties among the participating  
997 agencies. Responsibility for successful execution of the entire  
998 guidelines lies with all parties.

999 (5) ~~Nothing in~~ This section and ~~or in~~ the guidelines  
1000 adopted pursuant to it may not ~~this section shall~~ be construed  
1001 as creating a cause of action against the state or any of its  
1002 agencies or political subdivisions.

1003 (6) Victims and witnesses who are not incarcerated may  
1004 ~~shall~~ not be required to attend discovery depositions in any  
1005 correctional facility.

1006 (7) ~~The victim of a crime, the victim's parent or guardian~~  
1007 ~~if the victim is a minor, and the state attorney, with the~~  
1008 ~~consent of the victim or the victim's parent or guardian if the~~  
1009 ~~victim is a minor, have standing to assert the rights of a crime~~  
1010 ~~victim which are provided by law or s. 16(b), Art. I of the~~  
1011 ~~State Constitution.~~

1012 ~~(8)~~ For the purposes of this section, a law enforcement  
1013 agency or the office of the state attorney may release any  
1014 information deemed relevant to adequately inform the victim if  
1015 the offense was committed by a juvenile. Information gained by

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1016 the victim pursuant to this chapter, including the next of kin  
1017 of a homicide victim, regarding any case handled in juvenile  
1018 court, must not be revealed to any outside party, except as is  
1019 reasonably necessary in pursuit of legal remedies.

1020 ~~(8)(9)~~ As used in this section, the term "chief  
1021 administrator" includes the appropriate chief correctional  
1022 officers of a county jail or municipal jail, and the appropriate  
1023 chief administrator of a juvenile detention facility or  
1024 residential commitment facility.

1025 Section 7. Section 960.0015, Florida Statutes, is  
1026 renumbered as section 960.0018, Florida Statutes, and amended to  
1027 read:

1028 960.0018 ~~960.0015~~ Victim's right to a prompt and final  
1029 conclusion of case and related proceedings; reporting  
1030 requirements ~~speedy trial; speedy trial demand by the state~~  
1031 ~~attorney.~~

1032 (1) Section 16(b)(10), Art. I. of the State Constitution  
1033 ensures for victims the right to a prompt and final conclusion  
1034 of a criminal case and related proceedings, thus minimizing the  
1035 period during which the victim must endure the hardships and  
1036 responsibilities resulting from participation in a criminal  
1037 proceeding, including the stress, cost, and inconvenience of  
1038 such participation. To protect and enforce this right to a  
1039 prompt and final conclusion of the case and any related  
1040 postjudgment proceedings, delays must be limited to only those  
1041 necessary to protect the due process rights of the parties.  
1042 Delays must be monitored and documented in order to provide  
1043 accountability and transparency to the public, victims, and  
1044 policymakers.

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1045 (2) At the trial court level, the state attorney may file a  
1046 good faith demand for a speedy trial, attesting that the state  
1047 attorney believes the case is ready to proceed to trial.

1048 (a) Once the demand is filed, the trial court shall notice,  
1049 schedule, and hold a hearing on the demand within 15 days after  
1050 the filing of the demand.

1051 (b) At the hearing, the trial court shall:

1052 1. Schedule a trial to commence on a date at least 5 days  
1053 but no more than 60 days after the date of the hearing, unless  
1054 the state and the defense agree to a date outside of these time  
1055 parameters; or

1056 2. Deny the state attorney's demand for speedy trial by  
1057 entering a written order with specific findings of fact  
1058 justifying a trial date more than 60 days after the hearing.

1059 (3) At the appellate court level, s. 16(b)(10)b., Art. I of  
1060 the State Constitution establishes the goal that all appeals  
1061 from a final judgment and sentence, including any collateral  
1062 attacks on the final judgment and sentence, be complete within 2  
1063 years after the date of appeal in noncapital cases and within 5  
1064 years after the date of appeal in capital cases. Based on the  
1065 State Constitution, the following reporting requirements are  
1066 established:

1067 (a) Notice of delay.—If an appeal or a collateral attack is  
1068 not final within 2 years for a noncapital case or within 5 years  
1069 in a capital case, the chief judge of a district court of appeal  
1070 or the Chief Justice of the Supreme Court must enter a notice of  
1071 delay in the case, setting forth the date of filing the appeal,  
1072 the type of appeal, and the reason or reasons for the failure to  
1073 meet the time goals specified in this subsection. The notice of

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1074 delay must be filed within 30 days after the applicable time has  
1075 expired and must be served on the state attorney, the defendant  
1076 and his or her attorney, and the victim if the victim requested  
1077 notice.

1078 (b) Aging report.-

1079 1. Beginning on January 31, 2020, and by each January 31  
1080 thereafter, the chief judge of a district court of appeal and  
1081 the Chief Justice of the Supreme Court shall issue an aging  
1082 report on a case-by-case basis to the President of the Senate  
1083 and the Speaker of the House of Representatives listing all  
1084 cases in which the court:

1085 a. Previously entered a notice of aging, or cases where the  
1086 notice of appeal was filed before December 31, 2016, for  
1087 noncapital cases or December 31, 2013, for capital cases; and

1088 b. Where the case remains pending as of the January 31  
1089 reporting date.

1090 2. The aging report must include the filing date of the  
1091 pending appeal, the reason or reasons the chief judge or the  
1092 chief justice determined to have caused the delay, and any  
1093 suggested actions the Legislature might take to address the  
1094 reasons for the delay, thus helping achieve the time goals  
1095 specified in this subsection.

1096 3. Any case that appears in an aging report which also  
1097 appeared on the previous January's aging report must include an  
1098 itemization of all judicial actions taken on the case during the  
1099 previous year and a notation made of any measurable progress on  
1100 the case during that time.

1101 4. If the Attorney General, the applicable office of the  
1102 public defender, or any other government entity is listed as a

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1103 cause of, or a contributor to, the delay, that entity shall have  
1104 30 days after a district court of appeals or the Florida Supreme  
1105 Court files an aging report to file a response to the report  
1106 providing any information such entity deems beneficial. A copy  
1107 of the response must be served on the President of the Senate  
1108 and the Speaker of the House of Representatives.

1109 ~~(1) The state attorney may file a demand for a speedy trial~~  
1110 ~~if the state has met its obligations under the rules of~~  
1111 ~~discovery, the charge is a felony or misdemeanor, the court has~~  
1112 ~~granted at least three continuances upon the request of the~~  
1113 ~~defendant over the objection of the state attorney, and:~~

1114 ~~(a) If a felony case, it is not resolved within 125 days~~  
1115 ~~after the date that formal charges are filed and the defendant~~  
1116 ~~is arrested or the date that notice to appear in lieu of arrest~~  
1117 ~~is served upon the defendant; or~~

1118 ~~(b) If a misdemeanor case, it is not resolved within 45~~  
1119 ~~days after the date that formal charges are filed and the~~  
1120 ~~defendant is arrested or the date that notice to appear in lieu~~  
1121 ~~of arrest is served upon the defendant.~~

1122 ~~(2) Upon the filing of a demand for a speedy trial, the~~  
1123 ~~trial court shall schedule a calendar call within 5 days, at~~  
1124 ~~which time the court shall schedule the trial to commence no~~  
1125 ~~sooner than 5 days or later than 45 days following the date of~~  
1126 ~~the calendar call. The court may, however, grant whatever~~  
1127 ~~further extension may be required to prevent deprivation of the~~  
1128 ~~defendant's right to due process.~~

1129 ~~(3) (a) The trial court may postpone the trial date for up~~  
1130 ~~to 30 additional days upon a showing by the defendant that a~~  
1131 ~~necessary witness who was properly served failed to attend the~~

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1132 ~~deposition and also failed to attend a subsequently scheduled~~  
1133 ~~deposition following a court order to appear. The court may,~~  
1134 ~~however, grant whatever further extension may be required to~~  
1135 ~~prevent deprivation of the defendant's right to due process.~~

1136 ~~(b) The trial court may also postpone the trial date for no~~  
1137 ~~fewer than 30 days but no more than 70 days if the court grants~~  
1138 ~~a motion by counsel to withdraw and the court appoints other~~  
1139 ~~counsel. The court may, however, grant whatever further~~  
1140 ~~extension may be required to prevent deprivation of the~~  
1141 ~~defendant's right to due process.~~

1142 Section 8. Section 960.0021, Florida Statutes, is amended  
1143 to read:

1144 960.0021 Legislative intent; advisement to victims.—

1145 (1) The Legislature finds that in order to ensure that  
1146 crime victims can effectively understand and exercise their  
1147 rights under s. 16, Art. I of the State Constitution, and to  
1148 promote law enforcement that considers the interests of crime  
1149 victims, victims must be properly advised in the courts of this  
1150 state.

1151 (2) The courts may fulfill their obligation to advise crime  
1152 victims by:

1153 (a) Making the following announcement at any arraignment,  
1154 sentencing, or case-management proceeding:

1155  
1156 "If you are the victim of a crime with a case pending  
1157 before this court, you are advised that you have the  
1158 right:

- 1159 1. To be informed.
- 1160 2. To be present.



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1161 3. To be heard, ~~when relevant,~~ at all ~~crucial~~  
 1162 ~~stages of criminal~~ court proceedings ~~to the extent~~  
 1163 ~~that these rights do not interfere with the~~  
 1164 ~~constitutional rights of the accused.~~

1165 4. To receive advance notification, when  
 1166 possible, of judicial proceedings and notification of  
 1167 scheduling changes, pursuant to section 960.0017  
 1168 ~~960.001~~, Florida Statutes.

1169 5. To seek crimes compensation and restitution.

1170 6. To consult with the state attorney's office ~~in~~  
 1171 ~~certain felony cases~~ regarding the disposition of the  
 1172 case.

1173 7. To make an oral or written victim impact  
 1174 statement at the time of sentencing of a defendant.

1175  
 1176 For further information regarding additional rights  
 1177 afforded to victims of crime, you may contact the  
 1178 state attorney's office or obtain a listing of your  
 1179 rights from the Clerk of Court."

1180 ; or

1181 (b) Displaying prominently on the courtroom doors posters  
 1182 giving notification of the existence and general provisions of  
 1183 this chapter. The Office of the Attorney General ~~Department of~~  
 1184 ~~Legal Affairs~~ shall provide the courts with the posters  
 1185 specified by this paragraph.

1186 (3) The chief judge of a circuit court ~~administrator~~ shall  
 1187 coordinate efforts to ensure that victim rights information, as  
 1188 established in s. 16(b), Art. I of the State Constitution ~~s.~~  
 1189 ~~960.001(1)(e)~~, is provided to the clerk of the court.

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1190 ~~(4) This section is only for the benefit of crime victims.~~  
1191 ~~Accordingly, a failure to comply with this section shall not~~  
1192 ~~affect the validity of any hearing, conviction, or sentence.~~

1193 Section 9. Paragraph (b) of subsection (1) of section  
1194 945.10, Florida Statutes, is amended to read:

1195 945.10 Confidential information.—

1196 (1) Except as otherwise provided by law or in this section,  
1197 the following records and information held by the Department of  
1198 Corrections are confidential and exempt from the provisions of  
1199 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1200 (b) Preplea, pretrial intervention, and presentence or  
1201 postsentence investigative records, ~~except as provided in s.~~  
1202 ~~960.001(1)(g).~~

1203 Section 10. Section 958.07, Florida Statutes, is amended to  
1204 read:

1205 958.07 Presentence report; access by defendant.—The  
1206 defendant is entitled to an opportunity to present to the court  
1207 facts which would materially affect the decision of the court to  
1208 adjudicate the defendant a youthful offender. The defendant, his  
1209 or her attorney, and the state shall be entitled to inspect all  
1210 factual material contained in the comprehensive presentence  
1211 report or diagnostic reports prepared or received by the  
1212 department. The victim, the victim's parent or guardian if the  
1213 victim is a minor, the lawful representative of the victim or of  
1214 the victim's parent or guardian if the victim is a minor, or the  
1215 victim's next of kin in the case of a homicide may review the  
1216 presentence investigation report ~~as provided in s.~~

1217 ~~960.001(1)(g)~~2. The court may withhold from disclosure to the  
1218 defendant and his or her attorney sources of information which

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1219 have been obtained through a promise of confidentiality. In all  
1220 cases in which parts of the report are not disclosed, the court  
1221 shall state for the record the reasons for its action and shall  
1222 inform the defendant and his or her attorney that information  
1223 has not been disclosed.

1224 Section 11. This act shall take effect July 1, 2019.