

By Senator Jones

35-01278-21

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1 A bill to be entitled
2 An act relating to compensation for victims of
3 excessive use of force by law enforcement officers;
4 amending s. 960.03, F.S.; revising the definition of
5 the term "crime" to include victims of a law
6 enforcement officer's excessive use of force for
7 purposes of the Florida Crimes Compensation Act;
8 amending s. 960.065, F.S.; providing eligibility for
9 compensation for a minor child of a nondeceased victim
10 for specified purposes; providing that specified
11 eligibility requirements apply to a victim of a law
12 enforcement officer's excessive use of force; amending
13 s. 960.13, F.S.; prohibiting a crime victim
14 compensation award from being denied on certain
15 grounds if the claimant is a victim of a law
16 enforcement officer's excessive use of force;
17 specifying that other evidence may be used to support
18 such a claim if no police report was filed concerning
19 the incident; providing an effective date.

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

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23 Section 1. Paragraph (g) is added to subsection (3) of
24 section 960.03, Florida Statutes, to read:

25 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
26 960.01-960.28, unless the context otherwise requires, the term:

27 (3) "Crime" means:

28 (g) The use of force by a law enforcement officer, as
29 defined in s. 943.10(1), that is beyond what is reasonable under

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30 the totality of the circumstances, and that causes the victim
31 injury or death, regardless of whether the officer is arrested
32 for, or charged with, the commission of a crime.

33 Section 2. Paragraph (e) is added to subsection (1) of
34 section 960.065, Florida Statutes, and subsection (5) of that
35 section is amended, to read:

36 960.065 Eligibility for awards.—

37 (1) Except as provided in subsection (2), the following
38 persons shall be eligible for awards pursuant to this chapter:

39 (e) A minor child of a nondeceased victim of a crime as
40 defined in s. 960.03(3)(g) for the purposes of mental health
41 treatment and counseling.

42 (5) A person is not ineligible for an award:

43 (a) Pursuant to paragraph (2)(a), paragraph (2)(b), or
44 paragraph (2)(c) if that person is a victim of sexual
45 exploitation of a child as defined in s. 39.01(77)(g).

46 (b) Pursuant to subsection (2) or subsection (3) if that
47 person is a victim of a crime as defined in s. 960.03(3)(g).

48 Section 3. Paragraph (c) is added to subsection (1) of
49 section 960.13, Florida Statutes, to read:

50 960.13 Awards.—

51 (1)

52 (c) Notwithstanding paragraph (a) or paragraph (b), if a
53 claim is based on injury or death as a result of a crime as
54 defined in s. 960.03(3)(g), the claim may not be denied based
55 upon a delay in reporting the crime, lack of a report of the
56 crime, or the victim's failure to cooperate. If there is no
57 police report, the claim may be supported by other evidence to
58 establish that a crime occurred.

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Section 4. This act shall take effect July 1, 2021.