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LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 01/31/2022 | . |       |
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|            | . |       |

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The Committee on Judiciary (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 54 - 72  
and insert:  
next of kin of a homicide victim, upon request, to be informed,  
to be present, and to be heard ~~when relevant~~, at all ~~crucial~~  
stages of a criminal or juvenile proceeding, ~~to the extent that~~  
~~this right does not interfere with constitutional rights of the~~  
~~accused~~, as provided by s. 16(b), Art. I of the State  
Constitution;

6. In the case of incarcerated victims, the right, upon



506646

12 request, to be informed and to submit written statements at all  
13 ~~crucial~~ stages of the criminal proceedings, parole proceedings,  
14 or juvenile proceedings; ~~and~~

15 7. The right of a victim to a prompt and timely disposition  
16 of the case in order to minimize the period during which the  
17 victim must endure the responsibilities and stress involved; and

18 8. The right of a victim to employ private counsel. The  
19 Florida Bar is encouraged to develop a registry of attorneys who  
20 are willing to serve on a pro bono basis as advocates for crime  
21 victims to the extent that this right does not interfere with  
22 the constitutional rights of the accused.

23 Section 2. Subsection (2) of section 960.0021, Florida  
24 Statutes, is amended to read:

25 960.0021 Legislative intent; advisement to victims.—

26 (2) The courts may fulfill their obligation to advise crime  
27 victims by:

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

30  
31 "If you are the victim of a crime with a case pending  
32 before this court, you are advised that you have the  
33 right, upon request:

34 1. To be informed.

35 2. To be present.

36 3. To be heard, ~~when relevant,~~ at all ~~crucial~~  
37 stages of criminal proceedings ~~to the extent that~~  
38 ~~these rights do not interfere with the constitutional~~  
39 ~~rights of the accused.~~

40 4. To receive advance notification, when



506646

41 possible, of judicial proceedings and notification of  
42 scheduling changes, pursuant to section 960.001,  
43 Florida Statutes.

44 5. To seek crimes compensation and restitution.

45 6. To consult with the state attorney's office in  
46 certain felony cases regarding the disposition of the  
47 case.

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

50

51 For further information regarding additional rights  
52 afforded to victims of crime, you may contact the  
53 state attorney's office or obtain a listing of your  
54 rights from the Clerk of Court."

55 ; or

56 (b) Displaying prominently on the courtroom doors posters  
57 giving notification of the existence and general provisions of  
58 this chapter. The Department of Legal Affairs shall provide the  
59 courts with the posters specified by this paragraph.

60 Section 3. Subsection (1) of section 985.036, Florida  
61 Statutes, is amended to read:

62 985.036 Rights of victims; juvenile proceedings.—

63 (1) Nothing in this chapter prohibits:

64 (a) The victim of the offense;

65 (b) The victim's parent or guardian if the victim is a  
66 minor;

67 (c) The lawful representative of the victim or of the  
68 victim's parent or guardian if the victim is a minor; or

69 (d) The next of kin if the victim is a homicide victim,



506646

70  
71 from the right, upon request, to be informed of, to be present  
72 during, and to be heard ~~when relevant at,~~ all ~~crucial~~ stages of  
73 the proceedings involving the juvenile offender, ~~to the extent~~  
74 ~~that such rights do not interfere with the constitutional rights~~  
75 ~~of the juvenile offender~~. A person enumerated in this section  
76 may not reveal to any outside party any confidential information  
77 obtained under this subsection regarding a case involving a  
78 juvenile offense, except as is reasonably necessary to pursue  
79 legal remedies.

80  
81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete lines 4 - 8

84 and insert:

85 ensure that crime victims are given information about  
86 specified rights, upon request, at all stages of  
87 criminal, parole, or juvenile proceedings; requiring  
88 law enforcement personnel to ensure that crime victims  
89 are given information about their right to employ  
90 private counsel; encouraging The Florida Bar to  
91 develop a registry of attorneys willing to serve on a  
92 pro bono basis as advocates for crime victims;  
93 amending ss. 960.0021 and 985.036, F.S.; conforming  
94 provisions to changes made by the act; providing an  
95 effective date.