

By Senator Davis

5-01282-24

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1 A bill to be entitled
2 An act relating to eligibility for crime victims
3 compensation awards; amending s. 960.065, F.S.;
4 providing factors for the Crime Victims' Services
5 Office to consider in determining whether mitigating
6 or special circumstances exist which would permit an
7 award despite otherwise disqualifying circumstances;
8 providing an effective date.

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

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12 Section 1. Subsection (3) of section 960.065, Florida
13 Statutes, is amended to read:

14 960.065 Eligibility for awards.—

15 (3) (a) Any claim filed by or on behalf of a person who was
16 in custody or confined, regardless of adjudication, in a county
17 or municipal facility, a state or federal correctional facility,
18 or a juvenile detention, commitment, or assessment facility at
19 the time of the crime upon which the claim is based, who has
20 been adjudicated as a habitual felony offender under s. 775.084,
21 or who has been adjudicated guilty of a forcible felony offense
22 as described in s. 776.08 renders the person ineligible for an
23 award.

24 (b) Notwithstanding paragraph (a) the foregoing, upon a
25 finding by the Crime Victims' Services Office of the existence
26 of mitigating or special circumstances that would render such a
27 disqualification unjust, an award may be approved. In
28 determining whether such mitigating or special circumstances
29 exist, the Crime Victims' Services Office may consider:

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30 1. Whether the crime upon which the claim is based was
31 reclassified under s. 775.085; or

32 2. If a crime was not reclassified under s. 775.085,
33 whether the commission of the crime upon which the claim is
34 based evidenced prejudice based on the race, color, ancestry,
35 ethnicity, religion, sexual orientation, national origin,
36 homeless status, or advanced age of the victim.

37 (c) A decision that mitigating or special circumstances do
38 not exist in a case subject to this section does not constitute
39 final agency action subject to review pursuant to ss. 120.569
40 and 120.57.

41 Section 2. This act shall take effect July 1, 2024.