

Committee Substitute for Senate Bill No. 118

An act relating to plea agreements; amending s. 921.143, F.S.; providing a popular name; prohibiting the court from accepting a plea agreement that prohibits a law enforcement, correctional, or correctional probation officer from appearing at a parole hearing or clemency hearing; prohibiting a plea agreement that prohibits a law enforcement, correctional, or correctional probation officer who was a victim in the offense from appearing or providing a statement at the sentencing hearing; defining terms for purposes of the act; specifying that the act does not impair certain rights afforded by law or the State Constitution; providing an effective date.

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

Section 1. Section 921.143, Florida Statutes, is amended to read:

921.143 Appearance of victim, or next of kin, or law enforcement, correctional, or correctional probation officer to make statement at sentencing hearing; submission of written statement.—

(1) At the sentencing hearing, and prior to the imposition of sentence upon any defendant who has been convicted of any felony or who has pleaded guilty or nolo contendere to any crime, including a criminal violation of a provision of chapter 316, the sentencing court shall permit the victim of the crime for which the defendant is being sentenced, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the next of kin of the victim if the victim has died from causes related to the crime, to:

(a) Appear before the sentencing court for the purpose of making a statement under oath for the record; and

(b) Submit a written statement under oath to the office of the state attorney, which statement shall be filed with the sentencing court.

(2) The state attorney or any assistant state attorney shall advise all victims or, when appropriate, the victim's parent, guardian, next of kin, or lawful representative that statements, whether oral or written, shall relate to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence.

(3)(a) This subsection shall be known by the popular name the "Officer Cheryl Seiden Act."

(b) The court may not accept a plea agreement that prohibits a law enforcement officer, correctional officer, or correctional probation officer from appearing or speaking at a parole hearing or clemency hearing.

(c) In any case in which the victim is a law enforcement officer, correctional officer, or correctional probation officer, a plea agreement may not prohibit the officer or an authorized representative of the officer's employing agency from appearing or providing a statement at the sentencing hearing.

(d) As used in this subsection, the terms "law enforcement officer," "correctional officer," "correctional probation officer," and "employing agency" have the meanings ascribed in s. 943.10.

(e) This subsection does not impair any right afforded under chapter 960 or under s. 16(b), Art. I of the State Constitution.

~~(4)(3)~~ The court may refuse to accept a negotiated plea and order the defendant to stand trial.

Section 2. This act shall take effect July 1, 2004.

Approved by the Governor April 8, 2004.

Filed in Office Secretary of State April 8, 2004.