

## CHAPTER 2022-106

### Committee Substitute for Senate Bill No. 1012

An act relating to victims of crimes; amending s. 960.001, F.S.; requiring law enforcement personnel to ensure that crime victims are given information about specified rights, upon request, at all stages of criminal, parole, or juvenile proceedings; requiring law enforcement personnel to ensure that crime victims are given information about their right to employ private counsel; encouraging The Florida Bar to develop a registry of attorneys willing to serve on a pro bono basis as advocates for crime victims; amending ss. 960.0021 and 985.036, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 960.001, Florida Statutes, is amended to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.—

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Florida Commission on Offender Review, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(a) *Information concerning services available to victims of adult and juvenile crime.*—As provided in s. 27.0065, state attorneys and public defenders shall gather information regarding the following services in the geographic boundaries of their respective circuits and shall provide such information to each law enforcement agency with jurisdiction within such geographic boundaries. Law enforcement personnel shall ensure, through distribution of a victim's rights information card or brochure at the crime scene, during the criminal investigation, and in any other appropriate manner, that victims are given, as a matter of course at the earliest possible time, information about:

1. The availability of crime victim compensation, if applicable;
2. Crisis intervention services, supportive or bereavement counseling, social service support referrals, and community-based victim treatment programs;

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

4. The stages in the criminal or juvenile justice process which are of significance to the victim and the manner in which information about such stages can be obtained;

5. The right of a victim, who is not incarcerated, including 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, and the 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 request, to be informed and to submit written statements at all ~~crucial~~ stages of the criminal proceedings, parole proceedings, or juvenile proceedings; ~~and~~

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

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

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

960.0021 Legislative intent; advisement to victims.—

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

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

“If you are the victim of a crime with a case pending before this court, you are advised that you have the right, upon request:

1. To be informed.

2. To be present.

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

4. To receive advance notification, when possible, of judicial proceedings and notification of scheduling changes, pursuant to section 960.001, Florida Statutes.

5. To seek crimes compensation and restitution.

- 6. To consult with the state attorney’s office in certain felony cases regarding the disposition of the case.
- 7. To make an oral or written victim impact statement at the time of sentencing of a defendant.

For further information regarding additional rights afforded to victims of crime, you may contact the state attorney’s office or obtain a listing of your rights from the Clerk of Court.”  
; or

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

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

985.036 Rights of victims; juvenile proceedings.—

(1) Nothing in this chapter prohibits:

- (a) The victim of the offense;
- (b) The victim’s parent or guardian if the victim is a minor;
- (c) The lawful representative of the victim or of the victim’s parent or guardian if the victim is a minor; or
- (d) The next of kin if the victim is a homicide victim,

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

Section 4. This act shall take effect July 1, 2022.

Approved by the Governor May 12, 2022.

Filed in Office Secretary of State May 12, 2022.