

Victims' Crimes Compensation

Number: INFORMAL

Date: December 14, 2006

The Honorable Anthony C. "Tony" Hill, Sr.
Senator, District 1
5600 New Kings Road, Suite 5
Jacksonville, Florida 32209

Dear Senator Hill:

You inquire about the eligibility of the family of Martin Lee Anderson for compensation through the Crime Victims' Compensation Program. A determination of eligibility in any given instance must be made once an application for compensation has been filed by the appropriate individual in accordance with the provisions of the statute. In an effort to be of assistance, however, I would generally note the following.

The Florida Crimes Compensation Act in Chapter 960, Florida Statutes, provides compensation for victims of crimes, intervenors in criminal acts, and their families and dependents under specified conditions set forth in the act. Section 960.13, Florida Statutes, provides that no award shall be made unless this office finds that:

- "1. A crime was committed;
2. Such crime directly resulted in personal injury to, psychiatric or psychological injury to, or death of, the victim or intervenor; and
3. Such crime was promptly reported to the proper authorities."

The term "crime," as defined in section 960.03(3), Florida Statutes, for purposes of the act, includes "[a] felony or misdemeanor offense committed by either an adult or a juvenile which results in physical injury or death. . . ."[1]

Section 960.065(1), Florida Statutes, provides that the surviving parents of a deceased victim are eligible for awards. However, sections 960.065(2)(c) and (3), Florida Statutes, disqualify awards when the victim was confined to, inter alia, a juvenile detention or correctional facility at the time of the crime. Section 960.065(3), Florida Statutes, establishes a limited exception to this disqualification, providing that an award may be approved upon a finding by the Crime Victims' Services Office of the existence of mitigating or special circumstances that would render such a disqualification unjust.

In this case, Martin Lee Anderson's parents should apply for compensation through the Crime Victims' Compensation Program. Our office can assign a victim's services specialist to assist the parents in preparing the necessary forms to make an application, and, once their application is complete, we will endeavor to determine whether they are eligible for compensation.

I trust that these informal comments will be of assistance.

Sincerely,

Charlie Crist
Attorney General

CC/tjw

[1] Section 960.03(3)(a), Fla. Stat. *And see* s. 960.03(13), Fla. Stat., defining "Victim" to mean, among others, a "person who suffers personal physical injury or death as a direct result of a crime."