

## THE RIGHTS OF CRIME VICTIMS IN FLORIDA

In Florida, the victim of criminal activity has the following well-defined rights conferred by *Article 1, Section 16* of the Florida Constitution.

- **You have the right** to receive due process from the courts and to be treated with fairness and respect for your dignity.
- **You have the right** to be free from intimidation, harassment, and abuse.
- **You have the right**, within the judicial process, to be reasonably protected from the accused.
- **You have the right** to have the safety and welfare of you and your family considered when the court considers any question of setting bail, including the setting of pretrial release conditions that could affect you or your family. You also have the right to be heard in any such public proceeding.
- **You have the right** to prevent disclosure of information or records that could be used to locate or harass you or your family or which could disclose confidential or privileged information about you.
- **You have the right** to the prompt return of your property when it is no longer needed as evidence in the case.
- **You have the right** to full and timely restitution in every case and from each offender convicted of the crime for all losses suffered, both directly and indirectly, as the result of the criminal conduct.
- **You have the right** to proceedings free from unreasonable delay and to a prompt and final conclusion of the case and any related postjudgment proceedings.
- **You have the right** to be informed of these rights and to seek the advice of an attorney in regard to these rights.

In addition to these above broadly-described rights, **where the crime victim makes a specific request**, the victim has the additional rights set out below -

- **If you request it, you also have the right** to reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication, even if you are a witness at the proceeding. [For this purpose, it would likely be in your best interest to share with the prosecutor an address (including E-Mail addresses) and a telephone number at which you can quickly be reached, and if necessary, any updated addresses or telephone numbers that may become needed during the pendency of your case. If you do

so, it would greatly assist the prosecutor to timely reach out to you about any issues that come up.]

- **If you request it, you also have the right** to reasonable, accurate, and timely notice of any release or escape of the defendant and of any proceeding during which a right of yours as the victim may be implicated.
- **If you request it, you also have the right** to confer with the prosecutor concerning any plea agreements, restitution issues, participation in pretrial diversion or release programs by the defendant, and sentencing or any other disposition of the case.
- **If you request it, you also have the right** to provide information to anyone conducting or compiling a pretrial investigation regarding the crime's impact on you or your family, and to have such information considered by the court. Once the report is completed you have a right to receive a copy of such report, except for such portions of it as may be made confidential by law.
- **If you request it, you also have the right** to be informed of the conviction, sentence, adjudication, or other disposition of a convicted offender, his or her release date or the date of their escape from custody.
- **If you request it, you also have the right** to be informed of all post-conviction processes and procedures and to provide information to the release authority to be considered before any such release. This right obtains as to every person harmed by the offender.
- **If you request it, you also have the right** to be informed of any clemency or expungement procedures engaged in by the offender, to provide information to the release authority and to have that information considered by the authority before a decision about release is made, and to be given notice of that authority's decision before the offender's release.
- In appropriate cases, the prosecutor may file a good faith demand for a speedy trial, allowing the case to be tried within sixty days, assuming the defendant's due process rights can be met by such, and advancement in the trial date.
- All state-level appeals and collateral attacks in non-capital cases must be complete within two years, unless the court enters an order with specific findings concerning why the court was unable to comply with the law and the circumstances causing the delay.