



Select Victims' Rights – Florida

This resource is intended to provide a base of knowledge regarding the crime victims' rights in Florida, and promising practices in ensuring compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Florida see the companion resource: *Law Enforcement-Based Victim Services in Florida: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.





= Promising Practices: As used in this *Guide*, things identified as “promising practices” are procedures, methods or techniques, grounded in victim-centered and trauma informed research and experience, which afford victims meaningful rights in the justice system.






= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

SELECT DEFINITIONS	Florida Statutes
<p>Victim.</p> <p>(a) A person who suffers personal physical injury or death as a direct result of a crime;</p> <p>(b) A person younger than 18 years of age who was present at the scene of a crime, saw or heard the crime, and suffered a psychiatric or psychological injury because of the crime but who was not physically injured;</p> <p>(c) A person younger than 18 years of age who was the victim of a felony or misdemeanor offense of child abuse that resulted in a mental injury as defined by s. 827.03 but who was not physically injured;</p>	<p>Fla. Stat. Ann. § 960.03(14)(a)-(e).</p>

<p>(d) A person against whom a forcible felony was committed and who suffers a psychiatric or psychological injury as a direct result of that crime but who does not otherwise sustain a personal physical injury or death; or</p> <p>(e) An emergency responder, as defined in and solely for the purposes of s. 960.194, who is killed answering a call for service in the line of duty.</p> <p> This definition explicitly applies to Florida Statutes, sections 960.01-960.28, unless the context otherwise requires.</p>	
<p>Victim.</p> <p>1. Each person who suffers property damage or loss, monetary expense, or physical injury or death as a direct or indirect result of the defendant's offense or criminal episode, and also includes the victim's estate if the victim is deceased, and the victim's next of kin if the victim is deceased as a result of the offense. The term includes governmental entities and political subdivisions, as those terms are defined in s. 11.45, when such entities are a direct victim of the defendant's offense or criminal episode and not merely providing public services in response to the offense or criminal episode.</p> <p>2. The term also includes the victim's trade association if the offense is a violation of s. 540.11(3)(a) 3. involving the sale, or possession for purposes of sale, of physical articles and the victim has granted the trade association written authorization to represent the victim's interests in criminal legal proceedings and to collect restitution on the victim's behalf. The restitution obligation in this subparagraph relating to violations of s. 540.11(3)(a) 3. applies only to physical articles and does not apply to electronic articles or digital files that are distributed or made available online. As used in this subparagraph, the term 'trade association' means an organization founded and funded by businesses that operate in a specific industry to protect their collective interests.</p> <p> This definition explicitly applies to section 775.089 and any provision of law relating to restitution.</p>	<p>Fla. Stat. Ann. § 775.089(1)(c)(1)-(2).</p>



<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>Florida Constitutional Provisions and Statutes</p>
<p>Development and Implementation of Victims' Rights Guidelines.</p> <p>[T]he 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 . . . objectives[] [provided in Fla. Stat. Ann. § 960.001(1)(a)-(u)]</p>	<p>Fla. Stat. Ann. § 960.001(1).</p>
<p>The Legislature Intends for Law Enforcement to Consider the Interests of Crime Victims.</p> <p>The Legislature finds that in order to ensure that crime victims can effectively understand and exercise their rights under s. 16, Art. I of the State Constitution, and to promote law enforcement that considers the interests of crime victims, victims must be properly advised in the courts of this state.</p>	<p>Fla. Stat. Ann. § 960.0021(1).</p>
<p>Courses Offered at Law Enforcement Training Facilities Shall Contain Victim Assistance Education and Training.</p> <p><i>Victim assistance education and training.</i>--Victim assistance education and training shall be offered to persons taking courses at law enforcement training facilities and to state attorneys and assistant state attorneys so that victims may be promptly, properly[] and completely assisted.</p>	<p>Fla. Stat. Ann. § 960.001(1)(m).</p>
<p>Basic Skills Course Required for Initial Certification Shall Include a Minimum of 4 Hours of Victims' Assistance and Rights Training.</p> <p>The commission shall establish standards for instruction of law enforcement officers in the subject of victims[?] assistance and rights. Every basic skills course required in order for law enforcement officers, probation officers, and other appropriate correctional staff to obtain initial</p>	<p>Fla. Stat. Ann. § 943.172.</p>


<p>certification must, after January 1, 1989, include a minimum of 4 hours of training in victims['] assistance and rights.</p>	
<p>Rights Attach at Time of Victimization.</p> <p>[E]very victim is entitled to the . . . rights [provided in Fla. Const. art. I, § 16(b)(1)-(11)], beginning at the time of his or her victimization</p>	<p>Fla. Const. art. I, § 16(b).</p>
<p>Standing.</p> <p>The victim of a crime, the victim's parent or guardian if the victim is a minor, and the state attorney, with the consent of the victim or the victim's parent or guardian if the victim is a minor, have standing to assert the rights of a crime victim which are provided by law or s. 16(b), Art. I of the State Constitution.</p> <p> The state attorney's standing to assert victims' rights does not deny or diminish victims' standing to assert rights.</p>	<p>Fla. Stat. Ann. § 960.001(7).</p>
<p>Due Process; and Fairness and Respect for Dignity.</p> <p>The right to due process and to be treated with fairness and respect for the victim's dignity.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims' rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	<p>Fla. Const. art. I, § 16(b)(1).</p>
<p>Notice of Victims' Rights, Including the Right to Seek Advice from an Attorney.</p> <p>The right to be informed of these rights, and to be informed that victims can seek the advice of an attorney with respect to their rights. This information shall be made available to the general public and provided to all crime victims in the form of a card or by other means intended to effectively advise the victim of their rights under this section.</p>	<p>Fla. Const. art. I, § 16(b)(11).</p>


 <p>The Florida Constitution grants crime victims this right to preserve and protect victims' rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	
<p>Law Enforcement to Provide Victims' Rights Information Card or Brochure at Earliest Possible Time; and Law Enforcement to Ensure Receipt of Select Service Information.</p> <p>(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:</p> <p>(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:</p> <ol style="list-style-type: none"> 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, 	<p>Fla. Stat. Ann. § 960.001(1)(a)(1)-(7).</p>




<p>and the next of kin of a homicide victim, 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;</p> <p>6. In the case of incarcerated victims, the right to be informed and to submit written statements at all crucial stages of the criminal proceedings, parole proceedings, or juvenile proceedings; and</p> <p>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 to the extent that this right does not interfere with the constitutional rights of the accused.</p>	
<p>Victims' Rights Information Card or Brochure.</p> <p><i>Victim's rights information card or brochure.</i>--A victim of a crime shall be provided with a victim's rights information card or brochure containing essential information concerning the rights of a victim and services available to a victim as required by state law.</p>	<p>Fla. Stat. Ann. § 960.001(1)(o).</p>
<p>Request for Victim, Appropriate Next of Kin of the Victim or Other Designated Contact to Complete a Victim Notification Card; Right Not to Complete a Victim Notification Card; Filing of Victim Notification Card; and Notice of Release.</p> <p><i>(b) Information for purposes of notifying victim or appropriate next of kin of victim or other designated contact of victim.</i>--In the case of a homicide, pursuant to chapter 782; or a sexual offense, pursuant to chapter 794; or an attempted murder or sexual offense, pursuant to chapter 777; or stalking, pursuant to s. 784.048; or domestic violence, pursuant to s. 25.385:</p> <p>1. The arresting law enforcement officer or personnel of an organization that provides assistance to a victim or to the appropriate next of kin of the victim or other designated contact must request that the victim or appropriate next of kin of the victim or other designated contact complete a victim notification card. However, the victim or appropriate next of kin of the victim or other designated contact may choose not to complete the victim notification card.</p> <p>2. Unless the victim or the appropriate next of kin of the victim or other designated contact waives the option to complete the victim notification card, a copy of the victim notification card must be filed with the incident report or warrant in the sheriff's office of the jurisdiction in which the</p>	<p>Fla. Stat. Ann. § 960.001(1)(c)(1)-(5).</p>



<p>incident report or warrant originated. The notification card shall, at a minimum, consist of:</p> <ol style="list-style-type: none"> a. The name, address, and phone number of the victim; or b. The name, address, and phone number of the appropriate next of kin of the victim; or c. The name, address, and telephone number of a designated contact other than the victim or appropriate next of kin of the victim; and d. Any relevant identification or case numbers assigned to the case. <p>3. The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility[] or residential commitment facility shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact within 4 hours following the release of the defendant on bail or, in the case of a juvenile offender, upon the release from residential detention or commitment. If the chief administrator, or designee, is unable to contact the alleged victim or appropriate next of kin of the alleged victim or other designated contact by telephone, the chief administrator, or designee, must send to the alleged victim or appropriate next of kin of the alleged victim or other designated contact a written notification of the defendant's release.</p> <p>4. Unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, the information contained on the victim notification card must be sent by the chief administrator, or designee, of the appropriate facility to the subsequent correctional or residential commitment facility following the sentencing and incarceration of the defendant, and unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, he or she must be notified of the release of the defendant from incarceration as provided by law.</p> <p>5. If the defendant was arrested pursuant to a warrant issued or taken into custody pursuant to s. 985.101 in a jurisdiction other than the jurisdiction in which the defendant is being released, and the alleged victim or appropriate next of kin of the alleged victim or other designated contact does not waive the option for notification of release, the chief correctional officer or chief administrator of the facility releasing the defendant shall make a reasonable attempt to immediately notify the chief correctional officer of the jurisdiction in which the warrant was issued or the juvenile was taken into custody pursuant to s. 985.101, and the chief correctional officer of that jurisdiction shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact, as provided in this paragraph, that the defendant has been or will be released.</p>	
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<p> The victim, the appropriate next of kin of the victim or another designated contact must be informed that he/she/they has a right to not to complete the victim notification card.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p>	
<p>Prompt, Advance Notice of Judicial and Post-Judicial Proceedings, Including Notice by the Arresting Law Enforcement Agency of the Accused’s Arrest.</p> <p><i>Advance notification to victim or relative of victim concerning judicial proceedings; right to be present.--Any victim, parent, guardian, or lawful representative of a minor who is a victim[] or relative of a homicide victim shall receive from the appropriate agency, at the address found in the police report or the victim notification card if such has been provided to the agency, prompt advance notification, unless the agency itself does not have advance notification, of judicial and postjudicial proceedings relating to his or her case, including all proceedings or hearings relating to:</i></p> <ol style="list-style-type: none"> 1. The arrest of an accused; 2. The release of the accused pending judicial proceedings or any modification of release conditions; and 3. Proceedings in the prosecution or petition for delinquency of the accused, including the filing of the accusatory instrument, the arraignment, disposition of the accusatory instrument, trial or adjudicatory hearing, sentencing or disposition hearing, appellate review, subsequent modification of sentence, collateral attack of a judgment, and, when a term of imprisonment, detention, or residential commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention, or residential commitment by expiration of sentence or parole and any meeting held to consider such release. <p>A victim, a victim’s parent or guardian if the victim is a minor, a lawful representative of the victim or of the victim’s parent or guardian if the victim is a minor, or a victim’s next of kin may not be excluded from any portion of any hearing, trial[] or proceeding pertaining to the offense based solely on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person’s presence to be prejudicial. The appropriate agency with respect to notification under</p>	<p>Fla. Stat. Ann. § 960.001(1)(e)(1)-(3).</p>


<p>subparagraph 1. is the arresting law enforcement agency, and the appropriate agency with respect to notification under subparagraphs 2. and 3. is the Attorney General or state attorney, unless the notification relates to a hearing concerning parole, in which case the appropriate agency is the Florida Commission on Offender Review. The Department of Corrections, the Department of Juvenile Justice, or the sheriff is the appropriate agency with respect to release by expiration of sentence or any other release program provided by law. A victim may waive notification at any time, and such waiver shall be noted in the agency's files.</p>	
<p>Accompanied by Victim Advocates During Forensic Medical Examination.</p> <p><i>Presence of victim advocates during forensic medical examination.--At the request of the victim or the victim's parent, guardian[] or lawful representative, a victim advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.</i></p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	<p>Fla. Stat. Ann. § 960.001(1)(u).</p>
<p>Law Enforcement to Immediately Notice Sexual Battery Victims of Rights and Services; Assist in Obtaining Medical Treatment or Examination, Services and Transportation; and Provide for Review of the Final Report for Accuracy.</p> <p>(1) A law enforcement officer who investigates an alleged sexual battery shall:</p> <p>(a) Assist the victim in obtaining medical treatment, if medical treatment is necessary as a result of the alleged incident, a forensic examination, and advocacy and crisis-intervention services from a certified rape crisis center and provide or arrange for transportation to the appropriate facility.</p> <p>(b) Advise the victim that he or she may contact a certified rape crisis center from which the victim may receive services.</p> <p>(c) Prior to submitting a final report, permit the victim to review the final report and provide a statement as to the accuracy of the final report.</p> <p>(2) The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available to a victim on a standard form developed and distributed by the Florida Council Against Sexual Violence in conjunction with the Department of Law Enforcement. The notice must include the resource listing, including telephone number, for</p>	<p>Fla. Stat. Ann. § 794.052(1)-(2).</p>




<p>the area certified rape crisis center as designated by the Florida Council Against Sexual Violence.</p>	
<p>Victims of Sexual Offenses May Not Be Required to Submit to a Polygraph Examination or Other Truth-Telling Device As a Condition of Proceeding with the Investigation, Charging or Prosecution.</p> <p><i>Use of a polygraph examination or other truth-telling device with victim.-</i> -A law enforcement officer, prosecuting attorney[] or other government official may not ask or require an adult, youth, or child victim of an alleged sexual battery as defined in chapter 794 or other sexual offense to submit to a polygraph examination or other truth-telling device as a condition of proceeding with the investigation of such an offense. The refusal of a victim to submit to such an examination does not prevent the investigation, charging[] or prosecution of the offense.</p> <p> A promising practice is to ensure that officers who work with victims of sexual offenses are aware that victims cannot be subjected to truth-telling examinations or devices as a condition to proceed with an investigation.</p>	<p>Fla. Stat. Ann. § 960.001(1)(t).</p>
<p>Law Enforcement to Immediately Notice Domestic Violence Victims of Rights and Services; Assist in Obtaining Medical Treatment and Services.</p> <p>(1) Any law enforcement officer who investigates an alleged incident of domestic violence shall assist the victim to obtain medical treatment if such is required as a result of the alleged incident to which the officer responds. Any law enforcement officer who investigates an alleged incident of domestic violence shall advise the victim of such violence that there is a domestic violence center from which the victim may receive services. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the department. As necessary, the department shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of s. 741.30 using simple English as well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout the state. The notice shall include:</p> <p>(a) The resource listing, including telephone number, for the area domestic violence center designated by the Department of Children and Families; and</p>	<p>Fla. Stat. Ann. § 741.29(1)(a)-(b).</p>



<p>(b) A copy of the following statement: ‘IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of your minor child or children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.’</p> <p> A promising practice, in addition to the above, is for law enforcement to have information on address confidentiality programs accessible and ready to provide to victims of domestic violence.</p> <p> Florida Statutes, section § 960.001(1)(c) provides that victims of domestic violence shall also be given information about the address confidentiality program provided under section 741.403.</p>	
<p>Provided General Assistance, Such As Transportation, Parking, Separate Pretrial Waiting Areas and Translator Services.</p> <p><i>General victim assistance.</i>--Victims and witnesses shall be provided with such other assistance, such as transportation, parking, separate pretrial waiting areas[] and translator services in attending court, as is practicable.</p>	<p>Fla. Stat. Ann. § 960.001(1)(n).</p>
<p>Freedom from Intimidation, Harassment and Abuse.</p> <p>The right to be free from intimidation, harassment[] and abuse.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims’ rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims’ rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	<p>Fla. Const. art. I, § 16(b)(2).</p>


<p>Furnished with Information Explaining How Law Enforcement and the Prosecution Can Protect Victims from Intimidation.</p> <p><i>Information concerning protection available to victim or witness.--A victim or witness shall be furnished, as a matter of course, with information on steps that are available to law enforcement officers and state attorneys to protect victims and witnesses from intimidation. Victims of domestic violence shall also be given information about the address confidentiality program provided under s. 741.403.</i></p>	<p>Fla. Stat. Ann. § 960.001(1)(c).</p>
<p>Protection.</p> <p>The right, within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused. However, nothing contained herein is intended to create a special relationship between the crime victim and any law enforcement agency or office absent a special relationship or duty as defined by Florida law.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims' rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	<p>Fla. Const. art. I, § 16(b)(3).</p>
<p>Safety and Welfare Consideration When Setting Bail and Making Pretrial Release Determinations.</p> <p>The right to have the safety and welfare of the victim and the victim's family considered when setting bail, including setting pretrial release conditions that protect the safety and welfare of the victim and the victim's family.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims' rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	<p>Fla. Const. art. I, § 16(b)(4).</p>





<p>Confidentiality; Privilege; and Non-Disclosure of Any Records or Information That Can Be Used to Locate or Harass Victims or Victims' Families.</p> <p>The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims' rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	<p>Fla. Const. art. I, § 16(b)(5).</p>
<p>Release of Information to Adequately Inform Victim If Offender Is a Juvenile.</p> <p>For the purposes of this section, a law enforcement agency or the office of the state attorney may release any information deemed relevant to adequately inform the victim if the offense was committed by a juvenile. Information gained by the victim pursuant to this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court, must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.</p>	<p>Fla. Stat. Ann. § 960.001(8).</p>
<p>Informed of, Present at and Heard at All Crucial Stages of the Proceedings Involving a Juvenile Offender.</p> <p>(1) Nothing in this chapter prohibits:</p> <ul style="list-style-type: none"> (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, <p>from the right 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.</p>	<p>Fla. Stat. Ann. § 985.036(1)-(2).</p>




<p>(2) A law enforcement agency may release a copy of the juvenile offense report to the victim of the offense. However, information gained by the victim under this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.</p>	
<p>Notice of Right to Request That Offender Be Required to Attend a Different School and Of Right to Attend the Sentencing or Disposition of the Offender.</p> <p><i>Attendance of victim at same school as defendant.</i>--If the victim of an offense committed by a juvenile is a minor, the Department of Juvenile Justice shall request information to determine if the victim, or any sibling of the victim, attends or is eligible to attend the same school as the offender. However, if the offender is subject to a presentence investigation by the Department of Corrections, the Department of Corrections shall make such request. If the victim or any sibling of the victim attends or is eligible to attend the same school as that of the offender, the appropriate agency shall notify the victim's parent or legal guardian of the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	<p>Fla. Stat. Ann. § 960.001(1)(s).</p>
<p>Privacy.</p> <p>Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.</p>	<p>Fla. Const. art. I, § 23.</p>
<p>Upon Request, Victim of Sexual Offense May Be Accompanied by Victim Advocate at Deposition; Informed of the Right to Have Courtroom Cleared of Certain Persons During Testimony of Victim of a Sexual Offense.</p> <p><i>Presence of victim advocate during discovery deposition; testimony of victim of a sexual offense.</i>--At the request of the victim or the victim's parent, guardian[] or lawful representative, the victim advocate</p>	<p>Fla. Stat. Ann. § 960.001(1)(q).</p>





<p>designated by the state attorney’s office, sheriff’s office[] or municipal police department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups[] and alcohol abuse or substance abuse groups shall be permitted to attend and be present during any deposition of the victim. The victim of a sexual offense shall be informed of the right to have the courtroom cleared of certain persons as provided in s. 918.16 when the victim is testifying concerning that offense.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p>	
<p>No Depositions at Correctional Facility If Victim Is Not Incarcerated.</p> <p>Victims and witnesses who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.</p>	<p>Fla. Stat. Ann. § 960.001(6).</p>
<p>Notice of Any Proceeding Implicating Victims’ Rights; Notice of and Presence at All Public Proceedings Relating to the Crime; and Notice of Release or Escape.</p> <p>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 the victim will be a witness at the proceeding, notwithstanding any rule to the contrary. A victim shall also be provided reasonable, accurate, and timely notice of any release or escape of the defendant or delinquent, and any proceeding during which a right of the victim is implicated.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims’ rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims’ rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p> <p> For additional information concerning notice of release from incarceration from a county jail, municipal jail, juvenile detention facility or residential commitment facility, <i>see</i> Florida Statutes, section 960.001(1)(f). For additional information concerning notice of escape from a state correctional institution, county jail, juvenile detention facility</p>	<p>Fla. Const. art. I, § 16(b)(6)(a).</p>





<p>or residential commitment facility, <i>see</i> Florida Statutes, section 960.001(1)(p).</p>	
<p>Heard at Any Proceeding Implicating Victims' Rights or Involving Release.</p> <p>A victim shall have the following specific rights upon request:</p> <p>The right to be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole, and any proceeding during which a right of the victim is implicated.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims' rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	<p>Fla. Const. art. I, § 16(b)(6)(b).</p>
<p>Notice of Scheduling Changes.</p> <p><i>Notification of scheduling changes.</i>--Each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding shall be notified as soon as possible by the agency scheduling his or her appearance of any change in scheduling which will affect his or her appearance.</p>	<p>Fla. Stat. Ann. § 960.001(1)(d).</p>
<p>Confer with Prosecution.</p> <p>A victim shall have the following specific rights upon request:</p> <p>The right to confer with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing[] or any other disposition of the case.</p>	<p>Fla. Const. art. I, § 16(b)(6)(c).</p>





<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims’ rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims’ rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p> <p> For additional information regarding conferring with the prosecution or community work release, <i>see</i> Florida Statutes, section 960.001(1)(g).</p>	
<p>Speedy Trial; Freedom from Unreasonable Delay, and to a Prompt and Final Conclusion of the Case and Related Post-Judgment Proceedings.</p> <p>(10) The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post[-]judgment proceedings.</p> <p>a. The state attorney may file a good faith demand for a speedy trial and the trial court shall hold a calendar call, with notice, within fifteen days of the filing demand, to schedule a trial to commence on a date at least five days but no more than sixty days after the date of the calendar call unless the trial judge enters an order with specific findings of fact justifying a trial date more than sixty days after the calendar call.</p> <p>b. All state-level appeals and collateral attacks on any judgment must be complete within two years from the date of appeal in non-capital cases and within five years from the date of appeal in capital cases, unless a court enters an order with specific findings as to why the court was unable to comply with this subparagraph and the circumstances causing the delay. Each year, the chief judge of any district court of appeal or the chief justice of the supreme court shall report on a case-by-case basis to the speaker of the house of representatives and the president of the senate all cases where the court entered an order regarding inability to comply with this subparagraph. The legislature may enact legislation to implement this subparagraph.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims’ rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims’ rights and interests are respected and protected by law in a</p>	<p>Fla. Const. art. I, § 16(b)(10)(a)-(b).</p>



<p>manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p> <p> For additional information on victims' speedy trial, <i>see</i> Florida Statutes, section 960.0015.</p>	
<p>Assistance with Employers and, When Applicable, Creditors.</p> <p><i>Notification to employer and explanation to creditors of victim or witness.--</i>A victim or witness who so requests shall be assisted by law enforcement agencies and the state attorney in informing his or her employer that the need for victim and witness cooperation in the prosecution of the case may necessitate the absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of his or her cooperation with law enforcement agencies or a state attorney, is subjected to serious financial strain shall be assisted by such agencies and state attorney in explaining to the creditors of such victim or witness the reason for such serious financial strain.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p>	<p>Fla. Stat. Ann. § 960.001(1)(i).</p>
<p>Providing Victim Impact Information and Having Victim Impact Information Considered in Sentencing Recommendations.</p> <p>A victim shall have the following specific rights upon request:</p> <p>The right to provide information regarding the impact of the offender’s conduct on the victim and the victim’s family to the individual responsible for conducting any presentence investigation or compiling any presentence investigation report, and to have any such information considered in any sentencing recommendations submitted to the court.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims’ rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims’ rights and interests are respected and protected by law in a</p>	<p>Fla. Const. art. I, § 16(b)(6)(d).</p>

<p>manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	
<p>Notice of Right to Submit Victim Impact Statement.</p> <p><i>Notification of right to submit impact statement.</i>--The state attorney shall inform the victim of the victim’s right to submit an oral or written impact statement pursuant to s. 921.143 and shall assist in the preparation of such statement if necessary.</p>	<p>Fla. Stat. Ann. § 960.001(1)(k).</p>
<p>Receipt of Presentence Reports and Any Other Non-Confidential Documentation Relevant to Exercising Victims’ Rights.</p> <p>A victim shall have the following specific rights upon request:</p> <p>The right to receive a copy of any presentence report, and any other report or record relevant to the exercise of a victim’s right, except for such portions made confidential or exempt by law.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims’ rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims’ rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	<p>Fla. Const. art. I, § 16(b)(6)(e).</p>
<p>Informed of All Disposition and Release Details.</p> <p>A victim shall have the following specific rights upon request:</p> <p>The right to be informed of the conviction, sentence, adjudication, place and time of incarceration[] or other disposition of the convicted offender, any scheduled release date of the offender, and the release of or the escape of the offender from custody.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the</p>	<p>Fla. Const. art. I, § 16(b)(6)(f).</p>

<p>exercise of certain rights. Victims who wish to be informed of the above should be reminded that any changes in their contact information—due to a move or otherwise—need to be reported to the relevant agency.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims' rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	
<p>Prompt Return of Property.</p> <p>The right to the prompt return of the victim's property when no longer needed as evidence in the case.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims' rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p> <p> A promising practice is to have instructions ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p> <p> If a defendant files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	<p>Fla. Const. art. I, § 16(b)(8).</p>
<p>Return of Property.</p> <p><i>Return of property to victim.</i>--Law enforcement agencies and the state attorney shall promptly return a victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it. The trial or juvenile court exercising jurisdiction over the criminal or juvenile proceeding may enter appropriate orders to implement this subsection, including allowing photographs of the victim's property to be used as evidence at the criminal trial or the</p>	<p>Fla. Stat. Ann. § 960.001(1)(h).</p>

<p>juvenile proceeding in place of the victim’s property if no substantial evidentiary issue related thereto is in dispute.</p> <p> A promising practice is to have instructions ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p> <p> If a defendant files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	
<p>Full and Timely Restitution.</p> <p>The right to full and timely restitution in every case and from each convicted offender for all losses suffered, both directly and indirectly, by the victim as a result of the criminal conduct.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims’ rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims’ rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p> <p> A promising practice is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p>	<p>Fla. Const. art. I, § 16(b)(9).</p>
<p>Law Enforcement to Notice Victims of Right to Request and Receive Restitution.</p> <p><i>Notification of right to request restitution.</i>--Law enforcement agencies and the state attorney shall inform the victim of the victim’s right to request and receive restitution pursuant to s. 775.089 or s. 985.437, and of the victim’s rights of enforcement under ss. 775.089(6) and 985.0301 in the event an offender does not comply with a restitution order. The state attorney shall seek the assistance of the victim in the documentation of the victim’s losses for the purpose of requesting and receiving restitution. In addition, the state attorney shall inform the victim if and when restitution is ordered. If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerks shall make</p>	<p>Fla. Stat. Ann. § 960.001(1)(j).</p>

<p>available at their office, as well as on their website, information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p> <p> A promising practice, when promptly informing victims about restitution, is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p>	
<p>Informed of, Participation in, and Heard at Various Post-Conviction Processes and Procedures.</p> <p>A victim shall have the following specific rights upon request:</p> <p>The right to be informed of all post[-]conviction processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole or early release authority shall extend the right to be heard to any person harmed by the offender.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims’ rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims’ rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	<p>Fla. Const. art. I, § 16(b)(6)(g).</p>
<p>Informed of and Participation in Clemency and Expungement Procedures.</p> <p>A victim shall have the following specific rights upon request:</p>	<p>Fla. Const. art. I, § 16(b)(6)(h).</p>

<p>The right to be informed of clemency and expungement procedures, to provide information to the governor, the court, any clemency board, and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made; and to be notified of such decision in advance of any release of the offender.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p> <p> The Florida Constitution grants crime victims this right to preserve and protect victims’ rights, to ensure victims a meaningful role throughout the criminal and juvenile justice systems and to ensure that victims’ rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents.</p>	
<p>Log of Good Faith Efforts to Timely Notice Victims.</p> <p>A good faith effort [to timely notice victims] shall be evidenced by a log entry noting that an attempt was made to notify the victim within the time period specified by this section.</p>	<p>Fla. Stat. Ann. § 960.001(2).</p>
<p>Guidelines and Implementation Plan.</p> <p>A copy of the guidelines and an implementation plan adopted by each agency shall be filed with the Governor, and subsequent changes or amendments thereto shall be likewise filed when adopted.</p>	<p>Fla. Stat. Ann. § 960.001(3)(a).</p>

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