



TITLE IX

Rights of the Victim (FL)



Guidelines For Fair Treatment of Victims And Witnesses In The Criminal Justice System

Victims, including the next of kin of a homicide victim, have the right to be informed, to be present, and to be heard when relevant at all crucial stages of a criminal proceeding, to the extent that this right does not interfere with the constitutional rights of the accused. In the case of a minor, the victim's parent or guardian and the next of kin of a homicide victim is given notification.

What Rights Are The Victims Entitled To?

1. Information concerning available crisis intervention services, supportive or bereavement counseling, community-based victim treatment programs, the availability of crime protection services, and crime victim compensation.
2. Information about the role of the victim in the criminal justice system, the stages in the criminal and juvenile justice process which are of significance to a crime victim, and the manner in which such information can be obtained.
3. Information concerning steps that are available to Law Enforcement Officers and State Attorneys to protect victims and witnesses from intimidation.
4. Advance notification of judicial and post-judicial proceedings which relate to the offender's arrest, release or community work release, provided that the victim gives the State Attorney's Office her/his current name and address.
5. In felony crimes or homicide, consultation by the State Attorney's Office to obtain the views of the victim or in the case of a minor child, the guardian or the victim's family regarding the release of the accused, plea agreements, participation in pretrial diversion programs, and the sentencing of the accused.
6. Return of the victim's property collected by Law Enforcement or the State Attorney's Office for evidentiary purposes.
7. Assistance from Law Enforcement or the State Attorney's Office, when requested by victims, to inform the victim's employer about necessary absences from work, and to explain to the victim's creditors about serious financial hardship incurred as a result of the crime.
8. Request restitution from the offender for certain out-of-pocket losses. The State Attorney shall inform the victim if and when restitution is ordered.
9. Submit a Victim Impact Statement orally, or in writing, to the judge, prior to the sentencing of an offender who pleads guilty, nolo contendere, or is convicted of a felony crime.
10. Information concerning the escape of the offender from a state correctional institution, county jail, juvenile detention facility, or involuntary commitment facility.
11. Accompaniment by a victim advocate during any deposition of the victim or testimony of the victim of a sexual offense.
12. Request HIV testing of the person charged with committing any sexual offense (under F.S. 794 or 800.04 which involves the transmission of body fluids). HIV test results shall be disclosed to the victim or the victim's legal guardian, if the victim is a minor.
13. Prompt and timely disposition of the court case (as long as this right does not interfere with the constitutional rights of the accused).
14. In the case of minors, if the victim or any sibling of the victim and the offender attend the same school, the victim and their siblings have the right to request that the offender be required to attend a different school.
15. A 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, F.S., when the victim is testifying concerning that offense.
16. The victims of domestic violence shall be provided with information regarding the address confidentiality program as provided in s. 741.465 F.S.