

The right to a prompt and timely disposition of your case as long as it does not interfere with the constitutional rights of the accused.

The right to a prompt return of property unless there is a compelling law enforcement need to retain it.

The right to submit an oral or written victim impact statement to the court prior to sentencing of the offender.

The right, if you are incarcerated, to be informed and submit written statements at all crucial stages of the criminal and juvenile proceedings.

The right of the victim of a sexual offense to have the courtroom cleared, with certain exceptions during his or her testimony, regardless of the victim's age or mental capacity.

The right of a domestic violence victim to be informed of the address confidentiality program administered through the Attorney General's Office.

The right to know, in certain cases and at the earliest possible opportunity, if the person charged with an offense has tested positive for hepatitis and human immunodeficiency virus (HIV) infection. Upon request, the court shall order such person to undergo hepatitis and HIV testing.

The right to 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 the court determines otherwise.

The right of the victim who is not incarcerated to not be required to attend discovery depositions in any correctional facility.

The right to request, in certain cases, that the offender be required to attend a different school than the victim or siblings of the victim.

The right of a victim of a sexual offense to request the presence of a victim advocate during the forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.

The right of a victim of a sexual offense to not be submitted to a polygraph examination or other truth-telling device as a condition of the investigation.

The right of a victim or the victim's legal guardian, or the parent or legal guardian of a victim, if the victim is a minor, to request that a person who is charged with any offense enumerated in section 775.0877 (1)(a)-(n), Florida Statutes, that involve the transmission of body fluids from one person to another, undergo hepatitis and HIV testing.

Exemption from public records

Florida Statutes provides that any information which reveals the home or employment telephone numbers, addresses or personal assets of victims of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence shall remain exempt from public examination and inspection for five years after which it will become available to the public. You must make a written request and provide official verification that an applicable crime has occurred. Information gained by the victim or next of kin of a homicide victim pursuant to Chapter 960, 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.

Victim compensation

Victims (or their relatives where the victim is deceased) may be eligible for compensation from the State of Florida. Information regarding eligibility may be obtained from the State Attorney's Office, local Witness Coordination Office (where available), law enforcement agency or from the Bureau of Crimes Compensation, Office of the Attorney General (1-800-226-6667).

Helpful Phone Numbers

Attorney General's Office	1-866-966-7226
Division of Victim Services	1-800-226-6667
Florida Abuse Registry	1-800-96-ABUSE

Detective: _____

Case #: _____

Division of Investigative and Forensic Services
200 East Gaines Street
Tallahassee, Florida 32399-0341
850-413-3115

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Victim and Witness Rights



Your Rights as a Victim or Witness

For many persons, being a victim or witness to a crime is their first experience with the criminal and juvenile justice systems. As a victim or witness, you have certain rights within the system.

A victim is a person against whom a crime was committed. Some victims suffer physical injury or property damage, and some have psychological injury or both. Victims have certain rights in Florida. Others who can claim these rights are 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.

Criminal justice process

After a crime is reported to law enforcement an investigation will be conducted. If law enforcement is able to collect enough evidence, they may make an arrest.

Arrest: Suspect(s) taken to jail, fingerprinted and photographed. Some are immediately released or have to post a bond to ensure they will show up in court.

Intake: Victim reports a crime to the local State Attorney's Office. If probable cause is found, the State Attorney's Office may choose to file charges and summons the suspect into court.

First appearance: Occurs within 24 hours of an arrest. Each suspect kept in jail must appear before a judge who establishes whether charges are reasonable. The judge will consider whether a bond should be set and if so, how much. The judge will also consider conditions of release and appoint a defense attorney if the suspect can not afford one.

Filing of formal charges: The State Attorney's Office will file formal charges after reviewing law enforcement reports within 21 days in certain circumstances.

Arraignment: The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

Trial preparations: The prosecutor and defense attorney interview witnesses and exchange evidence in preparation for trial.

Trial: The prosecutor presents evidence to either the judge or a jury about the case. The defendant may be found guilty or not guilty. The process ends if the defendant is found not guilty.

Plea: Defendant pleads guilty or no contest without a trial.

Sentencing: If the defendant is found guilty, the judge reviews sentencing guidelines, plea agreements, etc., and determines what type of sentence the defendant should receive.

Juvenile justice process

Intake: The process of determining where a child under the age of 18 will be placed until the case is resolved. There are three forms of detention status: home, non-secure, or secure.

Diversion programs: An alternative to trial where the juvenile is placed in a community based program such as juvenile arbitration, juvenile alternative services program (JASP), or a treatment plan (Walker plan). If a juvenile successfully completes the diversion program, then the charges are generally dismissed.

Formal charges: The filing of a petition in court by the State Attorney's Office. The charge may be filed in either juvenile court or adult court, depending upon the crime and age of the offender.

Arraignment: The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

Adjudicatory hearing: The trial of the juvenile, conducted in front of a judge. The judge will decide whether the juvenile committed the charged offense(s).

Dispositional hearing (sentencing): When a juvenile is found to have committed a delinquent act, the court will hold a dispositional hearing to determine which sanctions to impose on the juvenile. The sanctions could range from community-based sanctions like probation and community services up to residential commitment.

Juveniles tried as adults: Juveniles who commit very serious crimes may be tried as adults. Juveniles who are prosecuted as adults may be sentenced to adult or juvenile sanctions.

Chapter 960, Florida Statutes, provides Victim Rights:

The right to have your rights as outlined in this brochure asserted through the State Attorney's Office.

The right to be informed, present and heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent the right does not interfere with the constitutional rights of the accused.

The right to receive advance notification of judicial and post judicial proceedings relating to the arrest and release (including community control and community work release) of the accused as well as proceedings in the prosecution.

The right to be notified of scheduling changes which will affect the victim's appearance.

The right to receive information regarding the role of the victim in the criminal or juvenile process, including what the victim may expect from the system as well as what the system may expect from the victim.

The right to request that a victim advocate be permitted to attend and be present during any deposition.

The right to receive assistance, upon request, for transportation, parking, separate waiting areas and translators.

The right to review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused

The right to receive information on the steps available to law enforcement and the State Attorney's Office to protect you from intimidation and/or harassment.

The right to request that the State Attorney or law enforcement agency help you explain to employers and creditors that you may face additional burdens by taking time off from work to assist law enforcement and you may undergo serious financial strain either because of the crime or by cooperating with authorities.

The right to inform the court of any injuries or property damage caused by a crime if an arrest has been made, to ask the court for restitution from the defendant and to receive information on enforcement of the court's order.