

- and within 5 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. The legislature may enact legislation to implement this subparagraph.
- (11) to be informed of these rights and to be informed that you can seek the advice of an attorney with respect to your rights.

(c) The victim, the retained attorney of the victim, a lawful representative of the victim or the office of the state attorney upon request of the victim, may assert and seek enforcement of the rights enumerated in this section and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of rights. The court or other authority with jurisdiction shall act promptly on such a request, affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding the disposition of a victim's right shall be clearly stated on the record.

*(d) The granting of the rights enumerated in this section to victims may not be construed to deny or impair any other rights possessed by victims. The provisions of this section apply throughout criminal and juvenile justice processes, are self-executing and do not require implementing legislation. This section may not be construed to create any cause of action for damages against the state or political subdivision of the state, or any officer, employee, or agent of the state or its political subdivisions.*

*(e) As used in this section, a "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term "victim" includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term victim does not include the accused. The terms "crime" and "criminal" include delinquent acts and conduct.*

*Passed November 6, 2018 by Florida voters.  
Enacted on January 8, 2019.*

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## ALACHUA COUNTY SHERIFF'S OFFICE

### *Constitutional Rights for Crime Victims*

## CONSTITUTION OF THE STATE OF FLORIDA

### Article I Declaration of Rights Section 16

*(b) To preserve and protect the right of crime victims to achieve justice, ensure a meaningful role throughout the criminal and juvenile justice systems for crime victims, and ensure that crime victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded criminal defendants and juvenile delinquents., every victim is entitled to the following rights:*

- (1) to receive due process from the courts and to be treated with fairness and respect for your dignity;
- (2) to be free from intimidation, harassment and abuse;
- (3) within the judicial process, to be reasonably protected from the accused;

- (4) to have the safety and welfare of you and your family considered when setting bail or pretrial release conditions that could affect you or your family;
- (5) to prevent the 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;
- (6) A victim shall have the following specific rights **upon request**,
  - 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.
  - 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
  - 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
- 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 by the court;
- 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.
- 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 escape of offender from custody;
- 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.
- 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.
- (7) the rights of the victim, as provided in (6) above, that apply to any first appearance proceeding are satisfied by a reasonable attempt by the appropriate agency to notify you and convey your views to the court;
- (8) to prompt return of your property when no longer needed as evidence in the case;
- (9) to full and timely restitution in every case and from each convicted offender for all losses suffered, both directly and indirectly by you as a result of the criminal conduct;
- (10) to proceedings free from unreasonable delay and to a prompt and final conclusion of the case and any related post-judgement proceedings.;
  - 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 15 days of the filing demand to schedule a trial to commence on a date at least 5 days but no more than 60 days after the date of the calendar call unless the trial judge enters an order with specific findings in fact justifying a trial date more than 60 days after the calendar call.
- All state-level appeals and collateral attacks on any judgment must be complete within 2 years from the date of appeal in non-capital cases