

Victims' Bill of Rights

Florida Constitution, Article I, Section 16 and F.S. 960.001. You have a right to:

- Report to law enforcement, or not
- Obtain a forensic exam, whether or not you report to law enforcement
- Have an advocate from a certified rape crisis center at the forensic exam with you
- Have the forensic exam kit sent for testing within 30 days, if reported to law enforcement
- Review the law enforcement report prior to report being finalized
- Be informed, present, and be heard at all crucial stages of the criminal proceeding
- Have identifying information about the criminal investigation kept confidential and exempt from public records F.S.119.071 and s.92.56
- Be notified of judicial proceedings and scheduling changes
- Be notified about the release of incarcerated offender from confinement
- Consult with the State Attorney to share your views about the outcome of the case
- Request restitution (compensation)
- Give a victim impact statement
- Have an advocate with you during a discovery deposition (a defense attorney's pre-trial questioning of witnesses)
- Have the offender, if charged, tested for HIV and hepatitis, and to receive results
- Attend sentencing or disposition of the offender
- If contacted to obtain information relating to a criminal procedure, be informed of name of person calling and employer
- Take up to 3 days of leave from work (with eligible employer and under certain conditions) F.S. 741.313

Victim Compensation

You may be eligible for financial assistance for:

- Medical Care
- Lost Income
- Mental Health Services
- Housing Relocation
- Other expenses related to injuries as a result of the crime
- F.S. 960.01 through s.960.14 and F.S. 960.199

There are several eligibility requirements to qualify for victim compensation, including reporting the crime to law enforcement.

Contact your local certified rape crisis center for more information and assistance with filing for victims' compensation.

For more information, scan the QR code



This project was supported by Subgrant No. LN270 awarded by the state administering office for the Office on Violence Against Women, U.S. Department of Justice's STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice.

Resources

Florida Council Against Sexual Violence
1-888-956-7273
www.fcasv.org

Office of the Attorney General, Bureau of Victim Compensation
1-800-226-6667
www.myfloridalegal.com/victim-compensation

Florida Department of Law Enforcement
www.fdle.fl.us
Sexual Offender / Predator Unit
1-888-357-7332 / 1-850-410-8572
For TTY Accessibility: 1-877-414-7234
Email: sexpred@fdle.state.fl.us

Florida Department of Corrections
Victim Information and Notification Everyday (VINE)
1-877-VINE-4-FL
www.dc.state.fl.us.oth/victasst/index.html

Florida Abuse Hotline
1-800-962-2873

Local Rape Crisis Center:

Gulf Coast Sexual Assault Program
24-Hour Helpline:
866-218-4738
www.gulfcoastsap.org

Sexual Battery

Your Rights and Available Services

If you are the victim of a sexual crime, you have certain rights. Supportive services are available to you, free of charge, regardless of whether or not you continue with the criminal justice process.

Call 1-888-956-7273 to be referred to local services



This brochure was created by the Florida Council Against Sexual Violence in accordance with Florida Statute s.794.05

Help is Available

You, as a victim of a sexual assault crime, need compassion, empathy, and support. Being the victim of a crime can be overwhelming. Your reactions are normal. Local certified rape crisis centers have advocates who are able to help all victims, regardless of whether or not they report to law enforcement.

Services are free and confidential – certified rape crisis centers are legally and ethically required to protect your confidentiality, unless you allow, in writing, the release of your information, F.S. 90.5035.

Advocates are available to:

- Provide crisis intervention
- Speak to you on the 24-hour hotline
- Discuss your options
- Navigate available resources
- Go with you to appointments
- Address safety concerns
- Advocate on your behalf
- Help you apply for victim compensation

Do you need legal assistance?

If you need legal assistance or guidance relating to your victimization or simply want information on your options and what to expect, we are here to help. Please contact us at:

Email: legal@fcasv.org
Phone: (850) 297-2000, ext. 123

Sexual Battery is a Crime

In Florida, the legal term for rape is sexual battery (F.S. 794.011). Sexual battery means oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object, committed without your consent.

Consent means **intelligent, knowing, and voluntary** consent and does not include coerced submission. **Failure to offer physical resistance to the offender does not imply consent.** If you are under 16 years of age, consent cannot be used as a defense to a sexual assault crime. Further, a 16- or 17-year-old cannot legally consent to sexual activity with a person in a position of familial or custodial authority, or a person over 24 years of age.

What if I fear for my safety?

If you fear for your safety or fear offender contact, you can seek an injunction, sometimes referred to as a restraining order or protection order. F.S. 784.046

- Parents or legal guardians can file on behalf of victims under 18 years of age
- To obtain the injunction, you or your guardian must report the crime to law enforcement and cooperate in any criminal proceeding against the offender
- You may also seek an injunction against an offender who has been released from jail or prison or who will be released within 90 days
- Filing for an injunction is free
- The application can be made at a local courthouse with the application can be made at a local courthouse with assistance from an advocate and/or the county clerk.

What is a medical forensic exam?

The MFE is a head-to-toe exam to collect evidence and check for injuries after a sexual assault. The examiner may conduct an exam of the genital area where contact may have occurred. Any evidence collected during the exam will be stored as part of a kit.

What are my rights with regard to the MFE?

- Choose to receive or participate in all or parts of the exam
- Stop the exam at any time
- Have an advocate from a certified rape crisis center with you at the exam
- If you choose to report to law enforcement at the time of the exam, be informed about the tracking status of the kit during processing, and any results of the analysis
- If you choose not to report to law enforcement at the time of your exam, your kit will be stored anonymously for up to 50 years

By law, medical providers cannot charge you for the forensic exam, even if you have insurance, and even if you don't report the crime to law enforcement. F.S. 960.28

Will I be prescribed any medication?

If indicated, the medical professional will offer you medication to protect you from certain sexually transmitted infections including HIV, and refer you to follow-up medical care. You will also be offered emergency contraception, if indicated.

What evidence is collected?

Evidence is anything that can be used to prove or disprove a fact in a legal proceeding. As it relates to a medical forensic exam, evidence is usually in the form of DNA collected from a victim or injuries observed during the examination. During the exam, the medical a professional may ask to swab your skin and/or genital area using a Q-tip type swab and collect blood and/or urine samples. They may also ask to collect items of your clothing. If there are visible injuries, pictures may be taken. They will also ask you questions about the assault and your medical history.

What happens to the evidence?

If you make a report to law enforcement, your kit will be sent to the regional or statewide lab within 30 days for testing. The lab is required to process the kit within 120 days. F.S. 943.326

You are entitled to access tracking information, testing status, and notification of DNA matches to a person deemed by investigators to be a suspect or person of interest. After the exam, you'll be given a card that provides you with a log-in to a secure kit tracking database. Additional information about the database can be found at <http://www.fdle.state.fl.us/Forensics>

If you don't report the crime to law enforcement at the time of your exam, your kit will be stored anonymously and will not be tested. You may change your mind and decide to report the crime at a later date. If so and depending on the timeframe, your kit may be converted and processed by the lab for possible prosecution.