

Apartment Leases

There is currently no state statute in Florida that allows victims of sexual violence to break their apartment leases. However, here are a few suggestions that may help:

- Review your lease. It may allow for early termination if you pay a penalty.
- Talk to your landlord about your situation and why you want to break your lease.
- Ask your victim advocate or attorney to write a letter to or call the landlord requesting that your lease be terminated.
- Consider subleasing your apartment to someone else for the rest of the lease term.



Crime Victim Compensation Program

The Crime Victim Compensation Program is run by the Florida Office of the Attorney General and provides assistance to victims of crime. This program helps victims by providing benefits for lost wages and expenses directly related to the crime. Claims must be filed within one year (two years if there is good cause for the delay).

Exceptions to the time limit are made for minors.

To qualify for this program, victims must report the crime to law enforcement within 3 days or show good cause for the delay. Victims must also cooperate with law enforcement. For more information or an application, visit www.myfloridalegal.com.

Resources

Florida Council Against Sexual Violence
1-888-956-RAPE (7273), (850)297-2000 or visit www.fcasv.org

Florida Legal Services
(850)385-7900 or visit www.floridalegal.org

Florida Commission on Human Relations
1-800-342-8170 or visit <http://fchr.state.fl.us>

Equal Employment Opportunity Commission - 1-800-669-4000 or visit www.eeoc.gov

U.S. Department of Labor 1-866-4-USA-DOL or visit <http://www.dol.gov/>.

**Florida Attorney General's Office
Victim Services Information Line**
1-800-226-6667

U.S. Department of Housing and Urban Development (HUD)
(202) 708-1112 or visit www.hud.gov

This pamphlet provides general legal information. It does not constitute legal advice and should not be relied on as legal advice. Please consult an attorney who can answer your legal questions and give advice based on your particular circumstance. Information in this pamphlet is current as of July 2011.

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Employment and Housing Rights for Victims of Sexual Violence



Prepared by the Florida Council Against Sexual Violence

Sexual Violence shatters lives, wounds communities and perpetuates injustice. The Florida Council Against Sexual Violence leads, informs and inspires the people of Florida to create safe and just communities.

What You Should Know About Your Employment Rights

Leave /Time Off

Types of leave available when taking time off from work after a sexual assault:

- The Family Medical Leave Act (FMLA) provides up to 12 weeks of unpaid leave if employees have been employed for at least one year and the employer has 50 or more employees. If you have questions or believe that your FMLA claim has been wrongfully denied, contact the U.S. Department of Labor.
- Annual and sick leave. These types of leave are accrued by the employee throughout their employment. Generally, all leave must be exhausted before relying on FMLA leave or any other unpaid or donated leave from coworkers.
- Florida Statute §741.313 allows for a victim of sexual and/or domestic violence to receive up to three days off from work in any 12 month period to obtain a protection order, find a safe living environment or to make to their home safer, obtain medical care (including counseling) or seek legal advice. This law only applies to employers within the state who have 50 or more employees. The employer can decide if leave will be paid or unpaid.
- For those in Miami Dade County, County Ordinance §11A-61 provides up to 30 days of unpaid leave for victims of repeated sexual assault and/or domestic violence to receive medical and dental care, legal assistance, counseling and to appear in court. This ordinance only applies to employers with 50 or more employees and requires that all other personal paid leave must be taken first. Employers may require a rape crisis advocate or medical professional to state that the victim needs the time off from work before granting leave. (§11A-62)



Communication with your employer is key. If you have been the victim of sexual violence, informing your employer early to negotiate a plan for necessary absences or a modified work load can avoid problems down the road.

If you have experienced unfair discipline or treatment after informing your employer of sexual assault or if you were assaulted by a coworker, this may be a violation of the Florida Civil Rights Act. Review your employer handbook for how to file a complaint or contact the **Equal Employment Opportunity Commission** or the **Florida Commission on Human Relations** for more information.



What You Should Know About Your Housing Rights

Violence Against Women Act of 2005 (VAWA)

VAWA has housing protections that apply to victims of domestic violence, dating violence, and stalking living in federally-funded public housing or apartments receiving federal housing assistance vouchers (“Section 8” vouchers).

VAWA states that public housing authorities and private landlords accepting Section 8 vouchers may not deny housing or voucher assistance to someone because he or she is a victim of domestic violence, dating violence, or stalking. Victims cannot be evicted or terminated from voucher assistance based on actual or threatened domestic violence, dating violence, or stalking unless there is a danger to other tenants.

Complaints of VAWA violations can be made to the **U.S. Department of Housing and Urban Development (HUD)**. Other housing discrimination complaints can be made to HUD or the **Florida Commission on Human Relations**.

