

Victim Compensation:

As a victim of a sexual crime, you may be eligible for financial assistance for:

- medical care,
- lost income,
- mental health services, and
- other out-of-pocket expenses directly related to the injury.

To apply for assistance, check on the status of your application, or if you are in need of any other help, contact the Division of Victim Services within the Office of the Attorney General toll free at **1-800-226-6667**.

Victims of Sexual Crimes have various other rights, many of which are found in Chapter 960 of the Florida Statutes, including the right:

- To have information about the criminal investigation of the crime that might identify you kept confidential and exempt from public records (Florida Statutes §119.071 and §92.56).
- To have an advocate from a certified rape crisis center with you during the forensic examination.
- To have an advocate with you during a discovery deposition (a defense attorney's pre-trial questioning of witnesses).
- To have the offender, if charged with the crime, tested for HIV and hepatitis and to receive the results of that testing.
- To attend the sentencing or disposition of the offender and request that the offender be required to attend a different school if the offender goes to your school or your sibling's school.
- To be told of judicial proceedings and scheduling changes.
- To have information about release of the offender from incarceration from a county or municipal jail, juvenile detention facility, or residential commitment facility.
- To tell the prosecutor what you want to happen in the case.
- To request restitution.
- To give an oral or written impact statement.
- To not be asked or required to take a polygraph examination as a condition of going ahead with the investigation of the offense.
- To take up to three days of leave, which can be paid or unpaid depending on the employer, to deal with issues that arise from the crime if the employer has 50 employees or more and you have worked for the employer for at least three months, you provide some documentation of the crime, and you have used other available leave (Florida Statute §741.313).

*Victims
have
rights!*



Resources:

Victim Compensation

1-800-226-6667
<http://myfloridalegal.com>

Florida Council Against Sexual Violence

Statewide information and referral line: 1-888-956-7273
www.fcasv.org

Florida Department of Corrections

Victim Information and Notification Everyday (VINE) & Victim Assistance Office
1-877-8-VICTIM (1-877-884-2846)
Toll-Free VINE Line: 1-877-VINE-4-FL (1-877-846-3435)
www.dc.state.fl.us/oth/victasst/index.html

Florida Department of Law Enforcement

Sexual Offender/Predator Unit
1-888-357-7332
www.fdle.state.fl.us

Florida Abuse Hotline

1-800-962-2873

If you need support in the healing process from a sexual crime, your local rape crisis center stands ready to help you:

This project was supported by contract LN963 awarded by the Violence Against Women Grants Office, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or the Florida Department of Children and Families.

Sexual Battery

Your Rights and Services



If you are the victim of a sexual crime, you have certain rights. Supportive services are also 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.

Help is Available:

Anyone who has been the victim of a sexual crime needs compassion, sensitivity and caring. Dealing with the feelings and issues resulting from the crime can be overwhelming and confusing. Services including hotline, crisis intervention and advocacy are available to you free of charge from your local certified **rape crisis center**. An advocate from a rape crisis center can:

- Help you understand in greater detail many of the issues described in this brochure.
- Assure you that your reactions are a normal part of the response to the crime.
- Listen to your feelings and concerns.
- Help you understand and weigh your options.
- Be with you at appointments if you desire.
- Contact others on your behalf with your permission.

Rape crisis centers are legally and ethically required to protect your confidentiality (Florida Statute §90.5035). Unless you specifically ask them in writing with your signature to release information about you, they will not.

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



Sexual Battery is a Crime!

As a victim of sexual battery, you can report the crime to law enforcement and can ask the state attorney (sometimes referred to as a prosecutor) to file a **criminal complaint** against the offender(s). Prior to submitting a final report, the law enforcement officer should allow you to review the report and provide a statement as to its accuracy.

As a victim, you have the constitutional right to be informed, to be present, and to be heard at all crucial stages of a criminal or juvenile proceeding, to the extent that this right does not interfere with the constitutional rights of the accused.

Medical Care and Evidence Collection:

When a sexual crime has occurred, you may be examined by a registered nurse or a doctor. Law enforcement should provide or arrange for transportation to the appropriate medical facility. Once there, in a private area, the medical professional will conduct a head-to-toe exam checking for injuries and collecting evidence which may include a pelvic exam and taking photos. As a victim, you have the right to:

- Say no to any part of the exam at any point.
- Keep the exam confidential.
- Have an advocate from a certified rape crisis center with you.

The medical professional will ask you some questions about the crime and your medical history. The medical professional also may:

- Take blood, urine, saliva, pubic hair combings, and/or nail samples.
- Place items of your clothing into the exam kit.

The medical professional can prescribe medications to protect you from certain sexually transmitted infections and recommend follow-up medical care.

- HIV prevention medication may be available if that is of particular concern to you and should be started right away.
- If you are concerned about pregnancy as a result of the crime, you should be provided with medically correct information about the way to receive or purchase emergency contraception to prevent pregnancy. Emergency contraception should be started within 120 hours of the crime and is available over the counter to women 18 and older at many pharmacies.

The exam is free, regardless of whether or not the victim is pursuing criminal charges against the offender, although the victim may be responsible for medications and additional healthcare costs.

What is Sexual Battery?

In the state of Florida, the legal term for the crime of rape or sexual assault is **sexual battery (Chapter 794, F.S.)**.

Sexual battery means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object committed without your consent.

Consent means intelligent, knowing, and voluntary consent and does not include coerced submission. The law says that consent does not mean your failure to offer physical resistance to the offender.

If you are under 16 years of age, consent cannot be used as a defense to a sexual 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 to a person 24 or older.



What if I fear for my safety?

If you fear for your safety or fear offender contact, you can seek a sexual violence injunction (**Florida Statute §784.046**), sometimes referred to as a restraining order or protection order.

- Parents or legal guardians can file on behalf of victims under 18.
- 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 a sexual violence injunction is free.
- The application can be made at a local courthouse with assistance from the court clerk.