

Victim Compensation:

Victims of sexual crimes 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.

Victims wishing to apply for assistance, check on the status of their applications, or in need of any other assistance can 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 relating to the criminal investigation of the crime that might identify the victim kept confidential and exempt from public records (Florida Statutes §119.071 and §92.56).
- To have an advocate from a certified rape crisis center present during the forensic examination.
- To have an advocate present 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 to receive the results of that testing.
- To attend the sentencing or disposition of the offender and request that the

*Victims
have
rights!*



offender be required to attend a different school if the offender goes to the same school as the victim or the victim's siblings.

- To be notified of judicial proceedings and scheduling changes.
- To have information concerning release of the offender from incarceration from a county jail, municipal jail, juvenile detention facility, or residential commitment facility.
- To be consulted by the state attorney about the disposition of the criminal or juvenile case.
- To request restitution.
- To submit an oral or written impact statement.
- To not be asked or required to submit to a polygraph examination or other truth-telling device as a condition of proceeding with the investigation of the offense.
- To take up to three days of leave, which can be paid or unpaid at the discretion of the employer, to deal with issues that arise from the crime if the employer has 50 employees or more and the employee has worked for the employer for at least three months, provides some documentation of the crime, and has used other available leave (Florida Statute §741.313).

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
1-877-414-7234
www.fdle.state.fl.us

Florida Abuse Hotline

1-800-962-2873

Victims often need support in the healing process from a sexual crime. Your local rape crisis center stands ready to help you:

Abuse Counseling and Treatment, Inc. (ACT)

P.O. Box 60401

Fort Myers, FL 33906

Office: 239-939-2553

Hotline: 239-939-3112

Website: www.actabuse.com

Counties Served: Glades,
Hendry and Lee

Sexual Battered Victim's Rights and S



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

Available

no has been the victim of a sexual crime
ssion, sensitivity, and caring. Dealing
ngs and issues resulting from the
overwhelming and confusing. Services
line, crisis intervention and advocacy
to you free of charge from your local
crisis center. An advocate from a
nter can:

you understand in greater detail many
e issues described in this brochure.

re you that your reactions are a normal
of the response to the crime.

n to your feelings and concerns.

you understand and weigh your options.

with you at appointments if you desire.

act others on your behalf with your
mission.

s centers are legally and ethically
protect your confidentiality (Florida
035). Unless you specifically ask them
ch your signature to release information
ey will not.

56-7273 to be referred to local services.

Battery is a Crime!

of sexual battery can report the
enforcement and can ask the
ey (sometimes referred to as a
to file a **criminal complaint**
offender(s).

has the constitutional right to
, to be present, and to be heard
stages of a criminal or juvenile
to the extent that this right does
e with constitutional rights of the

WHAT HAPPENS DURING A FORENSIC EXAMINATION?

Often when a sexual crime has occurred, the victim is examined by a registered nurse or a doctor. 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. The victim has the right to:

- decline any part of the exam at any point.
- keep the exam confidential.
- have an advocate present from a certified rape crisis center.

The medical professional will ask the victim some questions about the crime and her/his medical history. The medical professional also may:

- take blood, urine, saliva, pubic hair combings, and/or nail samples.
- place items of the victim's clothing into the exam kit.



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

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

- HIV prevention medication may be available if that is of particular concern to the victim and should be started right away.
- A victim who is concerned about pregnancy as a result of the crime should be provided with medically accurate information about the option 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.

that person's consent (if that person is an adult).

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

If the victim is 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?

Both adult and minor victims of sexual crimes who fear for their safety or fear the offender might contact them can seek a sexual violence injunction (**Florida Statute §784.046**) sometimes referred to as a restraining order or protection order.

- Victims under 18 can file for an injunction or their parents or legal guardians may file for them.
- To obtain the injunction the victim or guardian must have reported the crime to law enforcement and cooperate in any criminal proceeding against the offender.
- Victims 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.