

SEXUAL BATTERY/RAPE LAWS
(In Florida, “rape” is called “sexual battery”)

ACCORDING TO FLORIDA LAW:

- Sexual Battery/ Rape is the:“Oral, anal or vaginal penetration by, or union with a sexual organ of another or anal/vaginal penetration of another by any other object.”
- The sexual act(s) is/ are performed without the victim’s consent.
- An individual who is mentally incapacitated,asleep, physically helpless or unconscious due to alcohol or other drug consumption is considered unable to give consent.
- The same definition applies regardless of whether the assailant is a stranger or a non-stranger.
- The type of force employed may involve physical violence, coercion or threat of harm to the victim. The victim is not required to physically fight back.

Florida Sexual Battery Statutes: www.leg.state.fl.us/Statutes (Chapter 794).

DEFINITIONS

- "Consent" means intelligent, knowing, and voluntary consent and does not include coerced submission or submission out of fear. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.
- "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance
- "Physically helpless" means unconscious, asleep, or for any other reason physically unable to communicate consent or lack of consent.
- "Physically incapacitated" means bodily impaired or handicapped and substantially limited in ability to resist or flee.