



## FLORIDA

*Specific requirement to report sexual assault? No.*

*Requirement to report non-accidental or intentional injuries? There is a requirement to report life-threatening injuries indicating an act of violence.*

*Requirement to report injuries caused by criminal conduct? No.*

*Additional statutes that may impact competent adult victims of sexual assault? There is a requirement to report gunshot wounds.*

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### STATUTES ADDRESSING PAYMENT FOR EXAMINATIONS

#### **Fla. Admin. Code Ann. r. 2A-3.002. Application and Payment Procedures.**

Application and payment procedures for sexual assault examinations are provided on the form entitled "Sexual Battery Claim Form," DVS-201, (Rev. 07/07), effective 1-16-08, which is incorporated in this rule by reference.

*Specific Authority 960.045(1) FS. Law Implemented 960.28 FS. History—New 11-1-92, Amended 9-13-94, 9-26-95, 6-19-96, 9-24-97, 2-3-00, 3-17-03, 1-16-08.*

#### **960.28. Payment for victims' initial forensic physical examinations**

- (1) A medical provider who performs an initial forensic physical examination may not bill a victim or the victim's parent or guardian if the victim is a minor directly or indirectly for that examination.
- (2) The Crime Victims' Services Office of the department shall pay for medical expenses connected with an initial forensic physical examination of a victim of sexual battery as defined in chapter 794 or a lewd or lascivious offense as defined in chapter 800. Such payment shall be made regardless of whether the victim is covered by health or disability insurance and whether the victim participates in the criminal justice system or cooperates with law enforcement. The payment shall be made only out of moneys allocated to the Crime Victims' Services Office for the purposes of this section, and the payment may not exceed \$500 with respect to any violation. The department shall develop and maintain separate protocols for the initial forensic physical examination of adults and children. Payment under this section is limited to medical expenses connected with the initial forensic physical examination, and payment may be made to a medical provider using an examiner qualified under part I of chapter 464, excluding s. 464.003(5); chapter 458; or chapter 459. Payment made to the medical provider by the department shall be considered by the provider as payment in full for the initial forensic physical examination associated with the collection of evidence. The victim may not be



required to pay, directly or indirectly, the cost of an initial forensic physical examination performed in accordance with this section.

(3) The department may allow, deny, controvert, or litigate claims made against it under this section.

(4) Information received or maintained by the department identifying an alleged victim who seeks payment of medical expenses under this section is confidential and exempt from the provisions of s. 119.07(1).

(5) A defendant or juvenile offender who pleads guilty or nolo contendere to, or is convicted of or adjudicated delinquent for, a violation of chapter 794 or chapter 800 shall be ordered by the court to make restitution to the Crimes Compensation Trust Fund in an amount equal to the compensation paid to the medical provider by the Crime Victims' Services Office for the cost of the initial forensic physical examination. The order may be enforced by the department in the same manner as a judgment in a civil action.

**History.**--s. 1, ch. 82-192; s. 1, ch. 83-17; s. 194, ch. 83-216; s. 6, ch. 85-326; s. 15, ch. 91-23; s. 14, ch. 92-107; s. 24, ch. 92-287; s. 1, ch. 94-94; s. 15, ch. 94-342; ss. 1, 3, ch. 95-185; s. 455, ch. 96-406; s. 9, ch. 99-373; s. 148, ch. 2000-318; s. 7, ch. 2001-209; s. 4, ch. 2007-129.

### REPORTING STATUTES WHICH MAY IMPACT RAPE VICTIMS

#### **Fla. Stat. § 790.24. Report of medical treatment of certain wounds; penalty for failure to report**

Any physician, nurse, or employee thereof and any employee of a hospital, sanitarium, clinic, or nursing home knowingly treating any person suffering from a gunshot wound or life-threatening injury indicating an act of violence, or receiving a request for such treatment, shall report the same immediately to the sheriff's department of the county in which said treatment is administered or request therefor received. This section does not affect any requirement that a person has to report abuse pursuant to chapter 39 or chapter 415. Any such person willfully failing to report such treatment or request therefor is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**--s. 1, ch. 59-35; s. 755, ch. 71-136; s. 1, ch. 99-235.