

Protection Orders for Victims of Sexual Violence

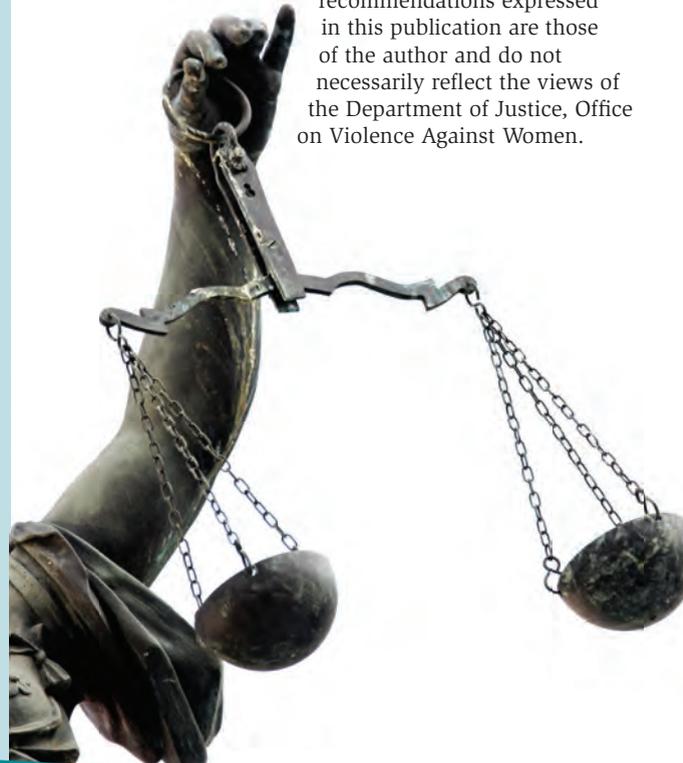
Resources

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

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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Violations of a Protection Order

A perpetrator has violated a protection order if he or she:

- calls or contacts the victim
- refuses to leave the place where the victim and the perpetrator live
- goes to or comes within 500 feet of the victim's home, school, job or any other place prohibited by the protection order
- purposely comes within 100 feet of the victim's vehicle
- refuses to surrender firearms or ammunition if ordered by the court
- defaces or destroys the victim's personal property (including vehicles)
- physically harms the victim or threatens to do so

Violations of protection orders are first degree misdemeanors.

Filing a Petition for a Protection Order

A petition for an order of protection can be filed with the clerk of court. If you do not have an attorney, the clerk of court will give you basic forms and help you fill them out. After filing, a temporary order may be granted with a hearing date set so that a judge can determine if the order will be made permanent. In some situations, a judge may also hold a hearing before granting a temporary order.

There is no cost to file a petition for a protection order and you are not required to have an attorney. However, if you would like legal advice from an attorney, contact your local Legal Services office to determine whether a protection order is appropriate and which one applies to your situation.



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 is a Protection Order?

A protection order (also known as an ‘injunction’) is an order issued by the court requiring that your abuser have no contact with you and remain a certain distance away from your home and workplace.

Types of Protection Orders

In Florida, there are four types of protection orders depending on what type of violence a person experiences. The types are: **sexual violence orders, dating violence orders, repeat violence orders and domestic violence orders.** All four orders can be applied for by the victim or a parent or guardian if the victim is a minor.

Sexual Violence Orders

- ‘Sexual Violence’ means at least **one** incident of:
 - ◇ **sexual battery** (see Chapter 794, Fla. Statutes)
 - ◇ **a lewd and lascivious act with a child under the age of 16** (see Chapter 800, Fla. Statutes)
 - ◇ **luring or enticing a child** (see Chapter 787, Fla. Statutes)
 - ◇ **sexual performance by a child** (see Chapter 827, Fla. Statutes)

This order applies to victims who report the sexual violence to law enforcement and cooperate if there is an investigation or criminal proceeding. If the victim’s perpetrator is already in prison for the sexual violence, the victim may obtain an order up to 90 days before the perpetrator’s release or any time thereafter. There is no requirement that the victim knew or had a romantic relationship with the perpetrator prior to the violence.

Dating Violence Orders

- ‘Dating Violence’ means violence between two people who have or had a continuous, romantic relationship. (§ 784.046(1)(d), Fla. Statutes)

This order applies to victims who have had an ongoing romantic relationship with their perpetrator within the last 6 months. There is no requirement to report the violence to law enforcement and/or cooperate during criminal proceedings.

Repeat Violence Orders

- ‘Repeat Violence’ means **two or more** incidents of violence or stalking within the last 6 months. The violent or stalking incidents may be directed at the victim or a member of the victim’s immediate family. (§ 784.046(1)(b), Fla. Statutes)

There is no requirement that the victim have a personal or romantic relationship with the perpetrator before the violence. There is no requirement to report the violence to law enforcement and/or cooperate during criminal proceedings.

Domestic Violence Orders

- ‘Domestic Violence’ means any assault, battery, stalking, kidnapping or sexual assault by a family or household member that results in the physical injury or death of another family or household member (§ 741.28 (2), Fla. Statutes)

These orders are for victims who live with their abusers as a family or have a child with their abusers. Victims must have already suffered an incident of violence or have a reasonable belief that danger is about to happen. There is no requirement to report the violence or threat of violence to law enforcement and/or cooperate during criminal proceedings.

