

Rape Classifications In Florida

The usual statement about rape is that “no means no”: if you have sex with someone after they say no, then it is rape. However, Florida’s [sexual battery law](#) is more complicated than this. Depending on the exact details of the accusation, a person accused of sexual battery may be faced with anything from fifteen years in prison to death, which is why they should hire an experienced Florida rape lawyer to defend them.

First of all, what is sexual battery? Simply put, sexual battery is oral, anal or vaginal penetration by or union with someone’s sexual organs or another object, with no medical purpose, without their consent.

Performing sexual battery on a person under the age of twelve is a capital crime, assuming you are over the age of eighteen, and a life sentence if you aren’t. Life in prison is also the punishment for sexual battery while using a deadly weapon, threatening to use a deadly weapon or using physical force likely to cause serious injury. These are, according to Florida law, the most serious forms of sexual battery.

Other forms of sexual battery are a first-degree felony. Sexual battery on certain kinds of victims is a first-degree felony:

- Someone [unconscious and unable to consent](#) someone to whom you administered a narcotic, anesthetic, or other intoxicating substance that renders them unable to consent.
- Someone under twelve and over eighteen who’s a family member, even if he or she consented.
- The [mentally disabled](#) someone physically handicapped to the point of being unable to flee.

Other first-degree sexual battery felonies include coercing someone’s consent through a threat of retaliation or physical violence and using your authority as a law enforcement or corrections officer to sexually batter someone.

Sexual battery without force, violence or any other aggravating factors is a second-degree felony, punishable by fifteen years in prison. A person over the age of 24 having anal, oral or vaginal penetration or union with a 16- or 17-year-old is a second-degree felony, unless the minor has been emancipated. Sexual battery with someone you have familial authority over, even if they consented, is a third-degree felony.

A sexual battery accusation, regardless of type, has the potential to lead to a long prison sentence—not to mention a ruined reputation and public hatred. It is necessary to hire a skilled Florida rape lawyer to defend yourself against this accusation. Only a Florida rape lawyer can guide you through a Florida sexual battery prosecution.

Florida Sex Crimes Attorneys have collectively handled thousands of sex crimes cases throughout Florida—from Key West to Pensacola. Their lawyers include state prosecutors, retired military, retired law enforcement and former state-appointed defenders. They specialize in child molestation, child pornography, date rape, exploitation, Internet solicitation, indecent

exposure, rape, sexual abuse and sexual assault. For more information, contact a Florida Sex Crimes Attorney at 866-608-5529 or at www.floridasexcrimesattorney.com.