

SCORECARD

REPORT CARD FLORIDA | 2020



Final Score

68

12 9 7 4 4 2

19 10 10 7 4 6

Final Grade

C+

SCORECARD TOPLINES

Marriage is permitted for minors at 17 years of age. No judicial approval is required for a minor to marry. State does not account for an age difference between individuals engaging in sexual contact. The state does not have a penalty enhancement for crimes motivated by gender or political affiliation. The state does not have a penalty enhancement or an independent crime for crimes motivated by gender identity. A rape kit tracking system has not been implemented. A survivor's right to notice regarding rape kits does not exist. The statute of limitations for the most serious felony sex crime is 10 years or less. The statute of limitations has not been eliminated for all felony sex crimes.

Child Marriage

The age of consent for marriage is generally 18 years of age. Marriage is permitted for minors at 17 years of age with parental consent as long as the other party is not more than 2 years older than the minor. There is not a lower age limit if one of the parties is pregnant. Judicial approval is not required for a minor to marry. Parental consent is still required even if the minor was previously married or if the individuals are active members of the armed forces. No gender difference exists in the lowest age limit permitted.

Consent to Sexual Contact

The lowest age of consent for sexual contact is 18 years of age. The law does not account for a difference in age between the individuals engaging in sexual contact. The law does require consent to be freely given or given by affirmative consent. The law accounts for the following impacting an individual's ability to consent to sexual contact: developmental disability or mental capacity; consciousness; intoxication; and relationship between a victim and perpetrator.

Discrimination & Hate Crimes

The state has a hate crimes law and requires data collection on hate crimes. The state does criminalize interference with religious worship. The state does have a penalty enhancement for crimes or an independent crime for crimes motivated by race, religion, or ethnicity. The state does have a penalty enhancement for crimes motivated by sexual orientation. The state does not have a penalty enhancement for crimes motivated by gender or political affiliation. The state

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does not have a penalty enhancement or an independent crime for crimes motivated by gender identity. The state does have a penalty enhancement for crimes motivated by disability or age.

Rape Kit Processing



The state has conducted a one-time inventory of untested rape kits. Testing of the backlog of untested rape kits has occurred through nonlegislative action. Mandatory testing of new rape kits is required to occur. A rape kit tracking system has not been implemented. A survivor's right to notice does not exist. The state has provided funding for rape kit handling reform.

Spousal Rape



The state does not treat rape of a spouse differently than rape of an individual who is not a spouse of the perpetrator. The state does allow for conviction of a spouse for raping their partner if the partner is unconscious, drugged, or otherwise incapacitated. An exemption for spousal rape does not exist under laws criminalizing statutory rape. An exemption for spousal rape or unwanted sexual contact does not exist under laws criminalizing sexual contact between people with a supervisory relationship.

Statute of Limitations for Sexual Crimes



The state does not have a reduced statute of limitations for criminal prosecution if a victim chooses not to report or delays reporting the crime. The statute of limitations for the most serious felony sex crime is 10 years or less. The statute of limitations has not been eliminated for all felony sex crimes. Exceptions to the statute of limitations do exist to allow an exception for DNA evidence. If certain sex offenses occurred after 2006 *and* if DNA evidence identifies a suspect, then no statute of limitations exists for that prosecution. For this DNA exception to apply, two criteria must be satisfied: 1) the DNA evidence must have been collected at the time of the original investigation; and 2) enough DNA material must exist so that the defendant can conduct tests of their own on the DNA material.