

Bill No. CS for CS for SB 144

Amendment No. Barcode 043412

CHAMBER ACTION

Senate

House

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Senator Cowin moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. It is the intent of the Legislature through this act to make services available to each victim of sexual battery in this state.

Section 2. Access to services for victims of sexual battery.--

(1) This section may be cited by the popular name, the "Sexual Battery Victims' Access to Services Act."

(2) As used in this section, the term:

(a) "Crisis-intervention services" means advice, counseling, or consultation provided by a sexual battery counselor or trained volunteer to a victim aimed at reducing the level of emotional trauma experienced by the victim.

(b) "Department" means the Department of Health.

(c) "Medical intervention" means services necessary for the forensic examination of a victim or medical treatment

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1 for injuries of a victim of sexual battery.

2 (d) "Rape crisis center" means any public or private
3 agency that offers at least five of the sexual battery
4 recovery services in paragraph (g) to victims of sexual
5 battery and their families.

6 (e) "Sexual battery" has the same meaning as that term
7 has in the offenses provided in section 794.011, Florida
8 Statutes.

9 (f) "Sexual battery counselor" means any employee of a
10 rape crisis center whose primary purpose is the rendering of
11 advice, counseling, or assistance to victims of sexual
12 battery.

13 (g) "Sexual battery recovery services" include the
14 following services:

15 1. For victims who have reported the offense to law
16 enforcement:

17 a. A telephone hotline that is operated 24 hours a day
18 and answered by a sexual battery counselor or trained
19 volunteer, as defined in section 90.5035, Florida Statutes.

20 b. Information and referral services.

21 c. Crisis-intervention services.

22 d. Advocacy and support services.

23 e. Therapy services.

24 f. Service coordination.

25 g. Programs to promote community awareness of
26 available services.

27 h. Medical intervention.

28 2. For victims who have not reported the offense to law
29 enforcement:

30 a. A telephone hotline that is operated 24 hours a day
31 and answered by a sexual battery counselor or trained

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1 volunteer, as defined in section 90.5035, Florida Statutes.

2 b. Information and referral services.

3 c. Crisis-intervention services.

4 d. Advocacy and support services.

5 e. Therapy services.

6 f. Service coordination.

7 g. Programs to promote community awareness of

8 available services.

9 (i) "Trained volunteer" means a person who volunteers
10 at a rape crisis center, has completed 30 hours of training in
11 assisting victims of sexual violence and related topics
12 provided by the rape crisis center, is supervised by members
13 of the staff of the rape crisis center, and is included on a
14 list of volunteers which is maintained by the rape crisis
15 center.

16 (j) "Victim" means a person who consults a sexual
17 battery counselor or a trained volunteer for the purpose of
18 securing advice, counseling, or assistance concerning a
19 mental, physical, or emotional condition caused by a sexual
20 battery.

21 (3)(a) The department shall contract with a statewide
22 nonprofit association whose primary purpose is to represent
23 and provide technical assistance to rape crisis centers. This
24 association shall receive 95 percent of the Rape Crisis
25 Program Trust Fund.

26 (b) Funds received under section 938.085, Florida
27 Statutes, shall be used to provide sexual battery recovery
28 services to victims and their families. Funds shall be
29 distributed by county, based on an allocation formula that
30 takes into account the population and rural characteristics of
31 the county. No more than 15 percent of the funds shall be used

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1 for statewide initiatives, including developing service
2 standards and a certification process for rape crisis centers.
3 No more than 5 percent of the funds may be used for
4 administrative costs.

5 (c) The department shall ensure that funds allocated
6 under this section are expended in a manner that is consistent
7 with the requirements of this section. The department may
8 require an annual audit of the expenditures and shall provide
9 a report to the Legislature by February 1 of each year.

10 Section 3. Section 938.085, Florida Statutes, is
11 created to read:

12 938.085 Additional cost to fund rape crisis
13 centers.--In addition to any sanction imposed when a person
14 pleads guilty or nolo contendere to, or is found guilty of,
15 regardless of adjudication, a violation of s. 784.011, s.
16 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s.
17 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s.
18 784.085, or s. 794.011, the court shall impose a surcharge of
19 \$151. Payment of the surcharge shall be a condition of
20 probation, community control, or any other court-ordered
21 supervision. The sum of \$150 of the surcharge shall be
22 deposited into the Rape Crisis Program Trust Fund established
23 within the Department of Health by SB 146. The clerk of the
24 court shall retain \$1 of each surcharge that the clerk of the
25 court collects as a service charge of the clerk's office.

26 Section 4. The sum of \$917,000 is appropriated from
27 the Rape Crisis Program Trust Fund to the Department of Health
28 for the purpose of implementing this act during the 2003-2004
29 fiscal year.

30 Section 5. This act shall take effect July 1, 2003.
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to services for victims of
8 sexual battery; providing legislative intent
9 with respect to enhancing the availability of
10 services to victims of sexual battery; creating
11 the "Sexual Battery Victims" Access to Services
12 Act; providing definitions; authorizing the
13 Department of Health to contract with a
14 statewide nonprofit association for the purpose
15 of allocating funds to rape crisis centers;
16 requiring that funds be used to provide sexual
17 battery recovery services to victims of sexual
18 battery and their families; providing
19 requirements and limitations with respect to
20 distribution and use of funds; requiring an
21 annual report to the Legislature on the use of
22 funds; creating s. 938.085, F.S.; providing for
23 an assessment of an additional court cost
24 against any person who pleads guilty or nolo
25 contendere to, or who is found guilty of, an
26 act of sexual battery or other specified
27 crimes; providing for deposit of the court cost
28 into the Rape Crisis Program Trust Fund;
29 providing for the trust fund to be used to
30 support rape crisis centers; providing an
31 appropriation; providing an effective date.