

By Senator Cowin

20-140-03

1                                   A bill to be entitled  
2           An act relating to services for victims of  
3           sexual assault; providing legislative intent  
4           with respect to enhancing the availability of  
5           services to victims of sexual assault; creating  
6           the "Sexual Assault Victims' Access to Services  
7           Act"; providing definitions; authorizing the  
8           Department of Health to contract with a  
9           statewide nonprofit agency for the purpose of  
10          allocating funds to rape crisis centers;  
11          requiring that funds to used to provide  
12          services to victims of sexual assault and  
13          victims' families; providing requirements for  
14          distributing funds; requiring an annual report  
15          to the Legislature on the use of funds;  
16          providing for an assessment of an additional  
17          court cost against any person who pleads guilty  
18          or nolo contendere to, or who is found guilty  
19          of an act of sexual battery; providing for  
20          deposit of the court cost into the Rape Crisis  
21          Program Trust Fund; providing for the trust  
22          fund to be used to support rape crisis centers;  
23          providing an effective date.

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25 Be It Enacted by the Legislature of the State of Florida:

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27           Section 1. It is the intent of the Legislature to  
28 establish an administrative framework whereby public funds may  
29 be used effectively and efficiently to enhance the  
30 availability of services to victims of sexual assault in this  
31 state. The Legislature finds there is a lack of adequate

1 services available to victims of sexual assault. The purpose  
2 of this act is to make services available to each victim of  
3 sexual assault in this state by establishing a streamlined  
4 method for using available state funds to achieve this goal.

5 Section 2. Access to services for victims of sexual  
6 assault.--

7 (1) This section may be cited as the "Sexual Assault  
8 Victims' Access to Services Act."

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

10 (a) "Department" means the Department of Health.

11 (b) "Rape crisis center" means a public or private  
12 agency that offers assistance to victims of sexual assault or  
13 sexual battery and to victims' families.

14 (c) "Sexual assault services" means one or more of the  
15 following services for victims:

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

19 2. Information and referral services.

20 3. Crisis-intervention services.

21 4. Advocacy services.

22 5. Support services.

23 6. Therapy services.

24 7. Service coordination.

25 8. Medical intervention.

26 9. Programs to promote community awareness of  
27 available services.

28 (d) "Victim" means a person who consults a sexual  
29 assault counselor or a trained volunteer for the purpose of  
30 securing advice, counseling, or assistance concerning a  
31 mental, physical, or emotional condition caused by a sexual

1 assault or sexual battery, an alleged sexual assault or sexual  
2 battery, or an attempted sexual assault or sexual battery.

3 (3)(a) The department has all powers necessary to  
4 administer this section, including, but not limited to, the  
5 power to contract with a statewide not-for-profit organization  
6 that represents victims and provides funding, training, and  
7 technical assistance to rape crisis programs for the purpose  
8 of allocating funds to rape crisis centers. The contract  
9 organization must qualify as a charitable organization under  
10 s. 501(c)(3) of the Internal Revenue Code.

11 (b) Funds received under section 3 of this act shall  
12 be used to provide sexual assault services to victims and  
13 their families. At least 80 percent of the funds shall be  
14 distributed annually to local rape crisis centers that provide  
15 at least five sexual assault services. Funds shall be  
16 distributed by county, based on an allocation formula that  
17 takes into account the population and rural characteristics of  
18 the county. At least 15 percent of the funds may be used for  
19 statewide initiatives, including developing service standards  
20 and a certification process for rape crisis centers. Not more  
21 than 5 percent of funds may be used for administrative costs.

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

27 Section 3. Assessment of additional costs to fund rape  
28 crisis programs.

29 (1) When a person pleads guilty or nolo contendere to,  
30 or is found guilty of, regardless of adjudication, an act of  
31 sexual battery as defined in section 794.011, Florida

1 Statutes, in addition to any other cost or penalty imposed by  
2 law, the court shall assess an additional cost in the amount  
3 of \$151. The court shall assess this additional cost unless  
4 the court specifically waives the assessment on the record.

5 (2) The court shall require payment of the assessment  
6 as a condition of probation, community control, or any other  
7 court-ordered supervision.

8 (3) The clerk of the court shall collect the  
9 assessment and transfer \$150 to the State Treasury for deposit  
10 into the Rape Crisis Program Trust Fund. The clerk shall  
11 retain \$1 from the assessment as a processing fee. Payments  
12 made while an offender is incarcerated shall be forwarded to  
13 the State Treasury for deposit into the trust fund.

14 Section 4. This act shall take effect July 1, 2003.

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17 SENATE SUMMARY

18 Creates the "Sexual Assault Victims' Access to Services  
19 Act." Requires the Department of Health to contract with  
20 a statewide nonprofit agency to allocate funds to rape  
21 crisis centers throughout the state. Imposes an  
22 additional court cost of \$151 against any person who  
23 pleads guilty or nolo contendere to, or who is found  
guilty of an act of sexual battery. Provides for deposit  
of the court cost into the Rape Crisis Program Trust  
Fund. Requires that moneys in the trust fund be used to  
provide services to victims of sexual assault and  
victims' families. (See bill for details.)