

By the Committee on Criminal Justice; and Senators Cowin, Fasano and Sebesta

307-1929-03

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A bill to be entitled
An act relating to sexual assault victims;
providing legislative intent; providing a short
title; providing definitions; requiring the
Department of Health by contract to represent
and provide technical assistance to rape crisis
centers; providing procedures for the
distribution of certain funds; creating s.
938.085, F.S.; imposing a surcharge on certain
violations to fund rape crisis centers;
providing an effective date.

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

Section 1. The Legislature intends through this act to
make services available to each victim of sexual assault in
this state.

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

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

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

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

(b) "Rape crisis center" means any public or private
agency that offers at least five of the sexual assault
recovery services in paragraph (f) to victims and their
families.

(c) A "sexual assault counselor" is any employee of a
rape crisis center whose primary purpose is the rendering of
advice, counseling, or assistance to victims of sexual assault
or sexual battery.

1 (d) A "trained volunteer" is a person who volunteers
2 at a rape crisis center, has completed 30 hours of training in
3 assisting victims of sexual violence and related topics
4 provided by the rape crisis center, is supervised by members
5 of the staff of the rape crisis center, and is included on a
6 list of volunteers that is maintained by the rape crisis
7 center.

8 (e) A "victim" is a person who consults a sexual
9 assault counselor or a trained volunteer for the purpose of
10 securing advice, counseling, or assistance concerning a
11 mental, physical, or emotional condition caused by a sexual
12 assault or sexual battery, an alleged sexual assault or sexual
13 battery, or an attempted sexual assault or sexual battery.

14 (f) "Sexual assault recovery services" include the
15 following services provided to victims by a rape crisis
16 center:

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

20 2. Information and referral services.

21 3. Crisis-intervention services.

22 4. Advocacy services.

23 5. Support services.

24 6. Therapy services.

25 7. Service coordination.

26 8. Medical intervention.

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

29 (3)(a) The department shall contract with a statewide
30 nonprofit association whose primary purpose is to represent
31 and provide technical assistance to rape crisis centers. This

1 association shall receive 95 percent of the Rape Crisis Center
2 Trust Fund.

3 (b) Funds received under section 938.085, Florida
4 Statutes, shall be used to provide sexual assault recovery
5 services to victims and their families. Funds shall be
6 distributed by county, based on an allocation formula that
7 takes into account the population and rural characteristics of
8 the county. No more than 15 percent of the funds shall be used
9 for statewide initiatives, including developing service
10 standards and a certification process for rape crisis centers.
11 Not more than 5 percent of funds may be used for
12 administrative costs.

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

18 Section 3. Section 938.085, Florida Statutes, is
19 created to read:

20 938.085 Additional cost to fund rape crisis
21 centers.--In addition to any sanction imposed for a violation
22 of s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045,
23 s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.
24 784.083, s. 784.085, or s. 794.011, the court shall impose a
25 surcharge of \$151. Payment of the surcharge shall be a
26 condition of probation, community control, or any other
27 court-ordered supervision. The sum of \$150 of the surcharge
28 shall be deposited into the Rape Crisis Program Trust Fund.
29 The clerk of the court shall retain \$1 of each surcharge that
30 the clerk of the court collects as a service charge of the
31 clerk's office.

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

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 144

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6 - SB 144 gave the department discretion to contract with a
7 statewide non-profit agency for the purpose of allocating
8 funds to rape crisis centers. The CS mandates that the
Department of Health contract with a statewide nonprofit
association and does not specify the purpose.

9 - SB 144 required that the statewide nonprofit organization
10 with which the department contracts represent victims and
provide funding, training and technical assistance to
11 rape crisis programs. The CS requires the contract
association to represent and provide technical assistance
12 to rape crisis centers, and further requires that this be
the association's primary purpose.

13 - SB 144 provided funds for the Rape Crisis Program Trust
14 Fund by means of a \$151 cost imposed by sentencing courts
for conviction of sexual battery as defined in s.
15 794.011, F.S. The CS requires the assessment not only for
sexual battery, but also for a number of assault and
battery offenses included in ch. 784, F.S.

16 - SB 144 permitted the court to waive assessment of the
17 \$151 cost. The CS makes it a mandatory surcharge.

18 - SB 144 did not specify that the contract organization
19 receive funds from the Rape Crisis Program Trust Fund.
The CS mandates that the contract association receive 95
20 percent of the fund. Both the CS and the bill require
that the funds received as a result of the court-imposed
21 cost be used to provide services to sexual assault
victims and their families.

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