

By the Committees on Appropriations; Criminal Justice; and
Senators Cowin, Fasano, Sebesta and Argenziano

309-2329-03

1 A bill to be entitled
2 An act relating to sexual assault victims;
3 providing legislative intent; providing a short
4 title; providing definitions; requiring the
5 Department of Health by contract to represent
6 and provide technical assistance to rape crisis
7 centers; providing procedures for the
8 distribution of certain funds; creating s.
9 938.085, F.S.; imposing a surcharge on certain
10 violations to fund rape crisis centers;
11 providing an appropriation; providing an
12 effective date.

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

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

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

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

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

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

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

29 (c) A "sexual assault counselor" is any employee of a
30 rape crisis center whose primary purpose is the rendering of

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1 advice, counseling, or assistance to victims of sexual assault
2 or sexual battery.

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

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

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

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

22 2. Information and referral services.

23 3. Crisis-intervention services.

24 4. Advocacy services.

25 5. Support services.

26 6. Therapy services.

27 7. Service coordination.

28 8. Medical intervention.

29 9. Programs to promote community awareness of
30 available services.

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1 (3)(a) The department shall contract with a statewide
2 nonprofit association whose primary purpose is to represent
3 and provide technical assistance to rape crisis centers. This
4 association shall receive 95 percent of the Rape Crisis Center
5 Trust Fund.

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

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

21 Section 3. Section 938.085, Florida Statutes, is
22 created to read:

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

1 The clerk of the court shall retain \$1 of each surcharge that
2 the clerk of the court collects as a service charge of the
3 clerk's office.

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

8 Section 5. This act shall take effect July 1, 2003.

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 CS for Senate Bill 144

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13 The Committee Substitute provides an appropriation of \$917,000
14 from the Rape Crisis Program Trust Fund to the Department of
15 Health.

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