

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

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28 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. It is the intent of the Legislature through
2 this act to make services available to each victim of sexual
3 battery in this state.

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

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

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

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

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

14 (c) "Medical intervention" means services necessary
15 for the forensic examination of a victim or medical treatment
16 for injuries of a victim of sexual battery.

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

21 (e) "Sexual battery" has the same meaning as that term
22 has in the offenses provided in section 794.011, Florida
23 Statutes.

24 (f) "Sexual battery counselor" means any employee of a
25 rape crisis center whose primary purpose is the rendering of
26 advice, counseling, or assistance to victims of sexual
27 battery.

28 (g) "Sexual battery recovery services" include the
29 following services:

30 1. For victims who have reported the offense to law
31 enforcement:

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

4 b. Information and referral services.

5 c. Crisis-intervention services.

6 d. Advocacy and support services.

7 e. Therapy services.

8 f. Service coordination.

9 g. Programs to promote community awareness of
10 available services.

11 h. Medical intervention.

12 2. For victims who have not reported the offense to law
13 enforcement:

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

17 b. Information and referral services.

18 c. Crisis-intervention services.

19 d. Advocacy and support services.

20 e. Therapy services.

21 f. Service coordination.

22 g. Programs to promote community awareness of
23 available services.

24 (i) "Trained volunteer" means a person who volunteers
25 at a rape crisis center, has completed 30 hours of training in
26 assisting victims of sexual violence and related topics
27 provided by the rape crisis center, is supervised by members
28 of the staff of the rape crisis center, and is included on a
29 list of volunteers which is maintained by the rape crisis
30 center.

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1 (j) "Victim" means a person who consults a sexual
2 battery counselor or a trained volunteer for the purpose of
3 securing advice, counseling, or assistance concerning a
4 mental, physical, or emotional condition caused by a sexual
5 battery.

6 (3)(a) The department shall contract with a statewide
7 nonprofit association whose primary purpose is to represent
8 and provide technical assistance to rape crisis centers. This
9 association shall receive 95 percent of the Rape Crisis
10 Program Trust Fund.

11 (b) Funds received under section 938.085, Florida
12 Statutes, shall be used to provide sexual battery recovery
13 services to victims and their families. Funds shall be
14 distributed by county, based on an allocation formula that
15 takes into account the population and rural characteristics of
16 the county. No more than 15 percent of the funds shall be used
17 for statewide initiatives, including developing service
18 standards and a certification process for rape crisis centers.
19 No more than 5 percent of the funds may be used for
20 administrative costs.

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

26 Section 3. Section 938.085, Florida Statutes, is
27 created to read:

28 938.085 Additional cost to fund rape crisis
29 centers.--In addition to any sanction imposed when a person
30 pleads guilty or nolo contendere to, or is found guilty of,
31 regardless of adjudication, a violation of s. 784.011, s.

1 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s.
2 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s.
3 784.085, or s. 794.011, the court shall impose a surcharge of
4 \$151. Payment of the surcharge shall be a condition of
5 probation, community control, or any other court-ordered
6 supervision. The sum of \$150 of the surcharge shall be
7 deposited into the Rape Crisis Program Trust Fund established
8 within the Department of Health by SB 146. The clerk of the
9 court shall retain \$1 of each surcharge that the clerk of the
10 court collects as a service charge of the clerk's office.

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

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