

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 173 Services for Victims of Sexual Assault
SPONSOR(S): Murman
TIED BILLS: HB 175 **IDEN./SIM. BILLS:** SB 144

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) ELDER & LONG TERM CARE (SUB)	9 Y, 0 N	Meyer	Liem
2) FUTURE OF FLORIDA'S FAMILIES	15 Y, 0 N w/CS	Meyer	Liem
3) HEALTH SERVICES (SUB)			
4) HEALTH CARE			
5) PUBLIC SAFETY & CRIME PREVENTION			
6) FINANCE & TAX			
7) HEALTH APPROPRIATIONS (SUB)			
8) APPROPRIATIONS			

SUMMARY ANALYSIS

In the calendar year 2001 12,756 sex offenses were reported in Florida. Experts believe that less than thirty per cent of sexual assaults are reported to law enforcement. That would suggest that there were an additional 32,801 victims. (*source: Florida Statistical Analysis Center: FDLE; Florida Uniform Crime Report.*) The Florida Council Against Sexual Violence reports that one in every eight adult women has been a victim of forcible rape.

This bill directs the Department of Health (DOH) to contract with a not-for-profit organization to allocate funds to rape crisis centers. The dollars to be allocated would come from an additional court cost of \$150 required of persons who plead guilty, or nolo contendere, or are found guilty regardless of adjudication of sexual battery as defined in section 794.011, F.S, or a list of crimes related to assault and battery. It is the same list of offenses that bear additional court costs to fund domestic violence programs. One dollar would be added to that \$150 fee to be retained by the office of the clerk of court to offset costs incurred by the clerk in collecting this additional court cost.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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DATE: March 13, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill provides for the collection of additional court costs from persons convicted of certain violent or sexual offenses.

B. EFFECT OF PROPOSED CHANGES:

The bill creates a funding strategy for rape crisis center services and directs the Department of Health (DOH) to contract with a statewide non-profit agency to allocate the funds to rape crisis centers.

The Department of Health currently receives about \$2.3 million dollars from the federal Centers for Disease Control and Prevention (CDC) to offer programs in rape prevention and education. Of that budget, approximately \$391,377 from the Preventive Health Block grant is contracted with providers around the state for services to victims. Both components are implemented through a competitive bid Request For Proposal (RFP) process that results in delivery of services through contracts.

The Florida Council Against Sexual Violence reports that rape, while underreported in every state, the official statistics still paint a picture of significant proportions:

- One in eight adult women has been the victim of forcible rape;
- A sexual offense is reported to law enforcement every 42 minutes;
- Rape is responsible for eleven to twenty per cent of teen pregnancies;
- Medical expenses, lost productivity, and treatment of psychological trauma cost each victim about \$11,000.

Florida has 37 Rape Crisis Programs. In three areas, Broward County, Orlando and Jacksonville, the local government funds stand-alone rape treatment centers. In Miami, Jackson Memorial Hospital houses a hospital-based rape treatment center. In two judicial circuits, rape crisis services are provided through the State Attorney's Office. However, forty per cent of the counties do not have a rape crisis program and rural counties are especially underserved according to the Florida Council Against Sexual Violence.

C. SECTION DIRECTORY:

Section 1 provides legislative findings and intent related to the lack of adequate services for persons who are victims of sexual assault.

Section 2 defines the terms: department, rape crisis center, sexual assault counselor, trained volunteer, sexual assault recovery services, and victim. This section directs DOH to contract with a statewide not-for-profit organization that represents victims and provides funding, training, and technical assistance to rape crisis centers. The bill directs that no more than five per cent of the budget may be used for administrative

costs; eighty per cent shall be distributed to rape crisis centers; and, 15 per cent may be used for statewide initiatives.

Section 3 provides for the addition of \$151 in additional court costs for any person who is found guilty of, regardless of adjudication, an act of sexual battery or assault or battery. One dollar of that fee is to be retained by the clerk of court. The remainder shall be deposited in the Rape Crisis Program Trust Fund.

Section 4 provides that this act shall take effect on July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

\$150 would be collected from each person who pleads guilty or nolo contendere, or who is found guilty regardless of adjudication of sexual battery. Based on 2002 data from the Department of Corrections, there were 1,354 persons sentenced to prison or state supervision for sexual battery as defined in section 794.011, F.S. If the additional court cost of \$150 per person was collected, \$203,100 would be available in the trust fund.

The Department of Corrections is preparing a report to advise how many additional offenders would bear the additional court costs for the expanded list of offenses.

2. Expenditures:

The bill proposes the appropriation of the money collected in the trust fund to rape crisis centers statewide.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

\$1,354 dollars would be available to the clerks of court to offset the costs associated with collecting this new fee (\$1 per person).

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

Because this may be considered a workload issue for the courts, it may have implications for Article V planning and implementation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This does not appear to be a mandate.

2. Other:

B. RULE-MAKING AUTHORITY:

No rule making authority is granted.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Department of Children & Family Services is responsible for programs related to domestic violence. The committee may want to consider whether these violence intervention programs should be co-located.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES