



HB 0173

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A bill to be entitled  
 An act relating to services for victims of sexual assault;  
 providing legislative intent with respect to enhancing the  
 availability of services to victims of sexual assault;  
 creating the "Sexual Assault Victims' Access to Services  
 Act"; providing definitions; authorizing the Department of  
 Health to contract with a statewide nonprofit agency for  
 the purpose of allocating funds to rape crisis centers;  
 requiring that funds to used to provide services to  
 victims of sexual assault and victims' families; providing  
 requirements for distributing funds; requiring an annual  
 report to the Legislature on the use of funds; providing  
 for an assessment of an additional court cost against any  
 person who pleads guilty or nolo contendere to, or who is  
 found guilty of an act of sexual battery; providing for  
 deposit of the court cost into the Rape Crisis Program  
 Trust Fund; providing for the trust fund to be used to  
 support rape crisis centers; providing an effective date.

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

Section 1. It is the intent of the Legislature to  
 establish an administrative framework whereby public funds may  
 be used effectively and efficiently to enhance the availability  
 of services to victims of sexual assault in this state. The  
 Legislature finds there is a lack of adequate services available  
 to victims of sexual assault. The purpose of this act is to make  
 services available to each victim of sexual assault in this  
 state by establishing a streamlined method for using available  
 state funds to achieve this goal.



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

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

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

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

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

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

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

45 2. Information and referral services.

46 3. Crisis-intervention services.

47 4. Advocacy services.

48 5. Support services.

49 6. Therapy services.

50 7. Service coordination.

51 8. Medical intervention.

52 9. Programs to promote community awareness of available  
53 services.

54 (d) "Victim" means a person who consults a sexual assault  
55 counselor or a trained volunteer for the purpose of securing  
56 advice, counseling, or assistance concerning a mental, physical,  
57 or emotional condition caused by a sexual assault or sexual  
58 battery, an alleged sexual assault or sexual battery, or an  
59 attempted sexual assault or sexual battery.



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60       (3) (a) The department has all powers necessary to  
61 administer this section, including, but not limited to, the  
62 power to contract with a statewide not-for-profit organization  
63 that represents victims and provides funding, training, and  
64 technical assistance to rape crisis programs for the purpose of  
65 allocating funds to rape crisis centers. The contract  
66 organization must qualify as a charitable organization under s.  
67 501(c) (3) of the Internal Revenue Code.

68       (b) Funds received under section 3 of this act shall be  
69 used to provide sexual assault services to victims and their  
70 families. At least 80 percent of the funds shall be distributed  
71 annually to local rape crisis centers that provide at least five  
72 sexual assault services. Funds shall be distributed by county,  
73 based on an allocation formula that takes into account the  
74 population and rural characteristics of the county. At least 15  
75 percent of the funds may be used for statewide initiatives,  
76 including developing service standards and a certification  
77 process for rape crisis centers. Not more than 5 percent of  
78 funds may be used for administrative costs.

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

84       Section 3. Assessment of additional costs to fund rape  
85 crisis programs.--

86       (1) When a person pleads guilty or nolo contendere to, or  
87 is found guilty of, regardless of adjudication, an act of sexual  
88 battery as defined in section 794.011, Florida Statutes, in  
89 addition to any other cost or penalty imposed by law, the court



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90 shall assess an additional cost in the amount of \$151. The court  
91 shall assess this additional cost unless the court specifically  
92 waives the assessment on the record.

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

96 (3) The clerk of the court shall collect the assessment  
97 and transfer \$150 to the State Treasury for deposit into the  
98 Rape Crisis Program Trust Fund. The clerk shall retain \$1 from  
99 the assessment as a processing fee. Payments made while an  
100 offender is incarcerated shall be forwarded to the State  
101 Treasury for deposit into the trust fund.

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