



HB 0173

2003
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CHAMBER ACTION

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The Committee on Future of Florida's Families recommends the following:

Committee Substitute

Remove the entire bill and insert:

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 association for the purpose of allocating funds to rape crisis centers; requiring that funds be used to provide sexual assault recovery services to victims of sexual assault and their families; providing requirements and limitations with respect to distribution and use of funds; requiring an annual report to the Legislature on the use of funds; creating s. 938.085, F.S.; 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 or other specified crimes; providing for deposit of the court cost into the Rape Crisis Program Trust Fund; providing



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29 | for the trust fund to be used to support rape crisis centers;
30 | providing an effective date.

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

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34 | Section 1. It is the intent of the Legislature through
35 | this act to make services available to each victim of sexual
36 | assault in this state.

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

39 | (1) This section may be cited by the popular name, the
40 | "Sexual Assault Victims' Access to Services Act."

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

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

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

47 | (c) "Sexual assault counselor" means any employee of a
48 | rape crisis center whose primary purpose is the rendering of
49 | advice, counseling, or assistance to victims of sexual assault
50 | or sexual battery.

51 | (d) "Trained volunteer" means a person who volunteers at a
52 | rape crisis center, has completed 30 hours of training in
53 | assisting victims of sexual violence and related topics provided
54 | by the rape crisis center, is supervised by members of the staff
55 | of the rape crisis center, and is included on a list of
56 | volunteers that is maintained by the rape crisis center.



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

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

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

68 2. Information and referral services.

69 3. Crisis-intervention services.

70 4. Advocacy services.

71 5. Support services.

72 6. Therapy services.

73 7. Service coordination.

74 8. Medical intervention.

75 9. Programs to promote community awareness of available
76 services.

77 (3) (a) The department shall contract with a statewide non-
78 profit association whose primary purpose is to represent and
79 provide technical assistance to rape crisis centers. This
80 association shall receive 95 percent of the Rape Crisis Program
81 Trust Fund.

82 (b) Funds received under s. 938.085 shall be used to
83 provide sexual assault recovery services to victims and their
84 families. Funds shall be distributed by county, based on an



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85 allocation formula that takes into account the population and
86 rural characteristics of the county. No more than 15 percent of
87 the funds shall be used for statewide initiatives, including
88 developing service standards and a certification process for
89 rape crisis centers. No more than 5 percent of the funds may be
90 used for administrative costs.

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

96 Section 3. Section 938.085, Florida Statutes, is created
97 to read:

98 938.085 Additional cost to fund rape crisis centers.--In
99 addition to any sanction imposed for a violation of s. 784.011,
100 s. 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s.
101 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s.
102 784.085, or s. 794.011, the court shall impose a surcharge of
103 \$151. Payment of the surcharge shall be a condition of
104 probation, community control, or any other court-ordered
105 supervision. The sum of \$150 of the surcharge shall be
106 deposited into the Rape Crisis Program Trust Fund established
107 within the Department of Health by HB 175, 2003 Regular Session
108 of the Legislature. The clerk of the court shall retain \$1 of
109 each surcharge that the clerk of the court collects as a service
110 charge of the clerk's office.

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