



CHAMBER ACTION

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The Committee on Health Care 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



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29 Crisis Program Trust Fund; providing for the trust fund to  
30 be used to support rape crisis centers; providing an  
31 effective date.

32

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

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

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

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

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

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

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

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

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



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56 of the rape crisis center, and is included on a list of  
57 volunteers that is maintained by the rape crisis center.

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

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

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

69 2. Information and referral services.

70 3. Crisis-intervention services.

71 4. Advocacy services.

72 5. Support services.

73 6. Therapy services.

74 7. Service coordination.

75 8. Medical intervention.

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

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



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83 (b) Funds received under s. 938.085 shall be used to  
84 provide sexual assault recovery services to victims and their  
85 families. Funds shall be distributed by county, based on an  
86 allocation formula that takes into account the population and  
87 rural characteristics of the county. No more than 15 percent of  
88 the funds shall be used for statewide initiatives, including  
89 developing service standards and a certification process for  
90 rape crisis centers. No more than 5 percent of the funds may be  
91 used for administrative costs.

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

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

99 938.085 Additional cost to fund rape crisis centers.--In  
100 addition to any sanction imposed when a person pleads guilty or  
101 nolo contendere to, or is found guilty of, regardless of  
102 adjudication, a violation of s. 784.011, s. 784.021, s. 784.03,  
103 s. 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s.  
104 784.081, s. 784.082, s. 784.083, s. 784.085, or s. 794.011, the  
105 court shall impose a surcharge of \$151. Payment of the  
106 surcharge shall be a condition of probation, community control,  
107 or any other court-ordered supervision. The sum of \$150 of the  
108 surcharge shall be deposited into the Rape Crisis Program Trust  
109 Fund established within the Department of Health by HB 175, 2003  
110 Regular Session of the Legislature. The clerk of the court



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111 | shall retain \$1 of each surcharge that the clerk of the court  
112 | collects as a service charge of the clerk's office.

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