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CHAMBER ACTION

The Committee on Public Safety & Crime Prevention 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 battery; providing legislative intent with respect to enhancing the availability of services to victims of sexual battery; creating the "Sexual Battery 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 battery recovery services to victims of sexual battery 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;



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29 providing for deposit of the court cost into the Rape
30 Crisis Program Trust Fund; providing for the trust fund to
31 be used to support rape crisis centers; providing an
32 effective date.

33

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

35

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

39 Section 2. Access to services for victims of sexual
40 battery.--

41 (1) This act shall be known by the popular name the
42 "Sexual Battery Victims' Access to Services Act."

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

44 (a) "Crisis intervention services" means advice,
45 counseling, or consultation provided to a victim by a sexual
46 battery counselor or trained volunteer aimed at reducing the
47 level of emotional trauma experienced by the victim.

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

49 (c) "Medical intervention" means services necessary for
50 the forensic examination of a victim or medical treatment for
51 injuries of a victim of sexual battery.

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



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56 (e) "Sexual battery" has the same meaning as that term has
57 in the offenses provided in s. 794.011, Florida Statutes.

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

61 (g) "Sexual battery recovery services" includes the
62 following services:

63 1. For victims who have reported the offense to law
64 enforcement:

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

68 b. Information and referral services.

69 c. Crisis intervention services.

70 d. Advocacy and support services.

71 e. Therapy services.

72 f. Service coordination.

73 g. Programs to promote community awareness of available
74 services.

75 h. Medical intervention.

76 2. For victims who have not reported the offense to law
77 enforcement:

78 a. A telephone hotline that is operated 24 hours a day and
79 answered by a sexual battery counselor or trained volunteer, as
80 defined in s. 90.5035, Florida Statutes.

81 b. Information and referral services.

82 c. Crisis intervention services.

83 d. Advocacy and support services.



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84 | e. Therapy services.
85 | f. Service coordination.
86 | g. Programs to promote community awareness of available
87 | services.

88 | (h) "Trained volunteer" means a person who volunteers at a
89 | rape crisis center, has completed 30 hours of training in
90 | assisting victims of sexual violence and related topics provided
91 | by the rape crisis center, is supervised by members of the staff
92 | of the rape crisis center, and is included on a list of
93 | volunteers that is maintained by the rape crisis center.

94 | (i) "Victim" means a person who consults a sexual battery
95 | counselor or a trained volunteer for the purpose of securing
96 | advice, counseling, or assistance concerning a mental, physical,
97 | or emotional condition caused by a sexual battery.

98 | (3)(a) The department shall contract with a statewide non-
99 | profit association whose primary purpose is to represent and
100 | provide technical assistance to rape crisis centers. This
101 | association shall receive 95 percent of the Rape Crisis Program
102 | Trust Fund.

103 | (b) Funds received under s. 938.085, Florida Statutes,
104 | shall be used to provide sexual battery recovery services to
105 | victims and their families. Funds shall be distributed by
106 | county, based on an allocation formula that takes into account
107 | the population and rural characteristics of the county. No more
108 | than 15 percent of the funds shall be used for statewide
109 | initiatives, including developing service standards and a
110 | certification process for rape crisis centers. No more than 5
111 | percent of the funds may be used for administrative costs.



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

117 Section 3. Section 938.085, Florida Statutes, is created
118 to read:

119 938.085 Additional cost to fund rape crisis centers.--In
120 addition to any sanction imposed when a person pleads guilty or
121 nolo contendere to, or is found guilty of, regardless of
122 adjudication, a violation of s. 784.011, s. 784.021, s. 784.03,
123 s. 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s.
124 784.081, s. 784.082, s. 784.083, s. 784.085, or s. 794.011, the
125 court shall impose a surcharge of \$151. Payment of the surcharge
126 shall be a condition of probation, community control, or any
127 other court-ordered supervision. The sum of \$150 of the
128 surcharge shall be deposited into the Rape Crisis Program Trust
129 Fund established within the Department of Health by HB 175, 2003
130 Regular Session of the Legislature. The clerk of the court
131 shall retain \$1 of each surcharge that the clerk of the court
132 collects as a service charge of the clerk's office.

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