



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

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3 Section 1. Paragraph (q) of subsection (1) of section  
4 960.001, Florida Statutes, is amended, and paragraph (t) is  
5 added to that subsection, to read:

6 960.001 Guidelines for fair treatment of victims and  
7 witnesses in the criminal justice and juvenile justice  
8 systems.--

9 (1) The Department of Legal Affairs, the state  
10 attorneys, the Department of Corrections, the Department of  
11 Juvenile Justice, the Parole Commission, the State Courts  
12 Administrator and circuit court administrators, the Department  
13 of Law Enforcement, and every sheriff's department, police  
14 department, or other law enforcement agency as defined in s.  
15 943.10(4) shall develop and implement guidelines for the use  
16 of their respective agencies, which guidelines are consistent  
17 with the purposes of this act and s. 16(b), Art. I of the  
18 State Constitution and are designed to implement the  
19 provisions of s. 16(b), Art. I of the State Constitution and  
20 to achieve the following objectives:

21 (q) Presence of victim advocate during the forensic  
22 medical examination, discovery deposition, and interviews with  
23 criminal justice officials; testimony of victim of a sexual  
24 offense.--At the request of the victim or the victim's parent,  
25 guardian, or lawful representative, the victim advocate  
26 designated by state attorney's office, sheriff's office, or  
27 municipal police department, or one representative from a  
28 not-for-profit victim services organization, including, but  
29 not limited to, rape crisis centers, domestic violence  
30 advocacy groups, and alcohol abuse or substance abuse groups  
31 shall be permitted to attend and be present during any

1 forensic medical examination, deposition of the victim, or  
2 interviews with law enforcement officials or the state  
3 attorney's office. The victim of a sexual offense shall be  
4 informed of the right to have the courtroom cleared of certain  
5 persons as provided in s. 918.16 when the victim is testifying  
6 concerning that offense.

7 (t) Use of polygraph examination or other  
8 truth-detection device with victim. A law enforcement officer,  
9 prosecuting attorney, or other government official may not ask  
10 or require an adult, youth, or child victim of an alleged  
11 sexual battery as defined in chapter 794 or other alleged  
12 sexual offense to submit to a polygraph examination or other  
13 truth-detection device as a condition required for the  
14 investigation of an alleged offense by law enforcement  
15 officials. The refusal of a victim to submit to such an  
16 examination does not prevent the investigation, charging, or  
17 prosecution of the alleged offense.

18 Section 2. Paragraph (a) of subsection (2) of section  
19 960.003, Florida Statutes, is amended to read:

20 960.003 Human immunodeficiency virus testing for  
21 persons charged with or alleged by petition for delinquency to  
22 have committed certain offenses; disclosure of results to  
23 victims.--

24 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY  
25 PETITION FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.--

26 (a) In any case in which a person has been charged by  
27 information or indictment with or alleged by petition for  
28 delinquency to have committed any offense enumerated in s.  
29 775.0877(1)(a)-(n), which involves the transmission of body  
30 fluids from one person to another, upon request of the victim  
31 or the victim's legal guardian, or of the parent or legal

1 guardian of the victim if the victim is a minor, the court  
2 shall order such person to undergo HIV testing within 48 hours  
3 after the request is made.

4 Section 3. Subsection (2) of section 960.28, Florida  
5 Statutes, is amended to read:

6 960.28 Payment for victims' initial forensic physical  
7 examinations.--

8 (2) The Crime Victims' Services Office of the  
9 department shall pay for medical expenses connected with an  
10 initial forensic physical examination of a victim ~~who reports~~  
11 ~~a violation~~ of sexual battery as defined in chapter 794 or of  
12 lewd or lascivious offenses as defined in chapter 800 ~~to a law~~  
13 ~~enforcement officer~~. Such payment shall be made regardless of  
14 whether ~~or not~~ the victim is covered by health or disability  
15 insurance and regardless of whether the victim participates in  
16 the criminal justice system or cooperates with law enforcement  
17 officials. The payment shall be made only out of moneys  
18 allocated to the Crime Victims' Services Office for the  
19 purposes of this section, and the payment may not exceed \$500  
20 ~~\$250~~ with respect to any violation. ~~Payment may not be made~~  
21 ~~for an initial forensic physical examination unless the law~~  
22 ~~enforcement officer certifies in writing that the initial~~  
23 ~~forensic physical examination is needed to aid in the~~  
24 ~~investigation of an alleged sexual offense and that the~~  
25 ~~claimant is the alleged victim of the offense~~. The department  
26 shall develop and maintain separate protocols for the initial  
27 forensic physical examination of adults and children. Payment  
28 under this section is limited to medical expenses connected  
29 with the initial forensic physical examination, and payment  
30 may be made to a medical provider using an examiner qualified  
31 under part I of chapter 464, excluding s. 464.003(5); chapter

1 458; or chapter 459. Payment made to the medical provider by  
2 the department shall be considered by the provider as payment  
3 in full for the initial forensic physical examination  
4 associated with the collection of evidence. The victim may not  
5 be required to pay, directly or indirectly, the cost of an  
6 initial forensic physical examination performed in accordance  
7 with this section.

8 Section 4. Section 960.198, Florida Statutes, is  
9 amended to read:

10 960.198 Relocation assistance for victims of domestic  
11 violence.--

12 (1) Notwithstanding the criteria set forth in s.  
13 960.13 for crime victim compensation awards, the department  
14 may award a one-time payment of up to \$1,500 on any one claim  
15 and a lifetime maximum of \$3,000 to a victim of domestic  
16 violence or sexual battery who needs immediate assistance to  
17 escape from a domestic violence or unsafe environment.

18 (2) In order for an award to be granted to a victim  
19 for relocation assistance:

20 (a) There must be proof that a domestic violence or  
21 sexual battery offense was committed;

22 (b) The domestic violence or sexual battery offense  
23 must be reported to the proper authorities;

24 (c) The victim's need for assistance must be certified  
25 by a certified domestic violence center in this state in a  
26 case involving domestic violence or by a certified rape-crisis  
27 center in this state in a case involving sexual battery; and

28 (d) The center certification must assert that the  
29 victim is cooperating with law enforcement officials, if  
30 applicable, and must include documentation that the victim has  
31 developed a safety plan.

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Section 5. This act shall take effect July 1, 2007.

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SENATE SUMMARY

Provides victims of sexual battery with the right to have a victim advocate present during any forensic medical examinations and at any interviews with law enforcement officials or the state attorney's office. Prohibits use of polygraph examinations and other truth-detection devices on victims as a requirement for proceeding with the investigation of an alleged offense. Requires administration of a test for HIV to a defendant within 48 hours after a victim requests the test. Provides that a victim need not report to law enforcement officials to be reimbursed by victim compensation for a forensic medical examination. Increases the amount of reimbursement to medical providers for forensic medical examinations from \$250 to \$500. Allows victims of sexual battery to seek relocation assistance through victim compensation.