

1                                   A bill to be entitled  
 2       An act relating to victims of sexual battery; amending s.  
 3       960.001, F.S.; providing that alleged victims of sexual  
 4       offenses shall not be required to submit to a polygraph or  
 5       other truth-telling examination as a condition of  
 6       proceeding with the investigation of such an offense;  
 7       providing that refusal of the alleged victim to submit to  
 8       such examination does not preclude investigation,  
 9       charging, or prosecution of the alleged offense; providing  
 10      for the presence of victim advocates during forensic  
 11      medical examinations; amending s. 960.003, F.S.; requiring  
 12      that HIV testing of certain defendants be ordered within a  
 13      specified period; amending s. 960.28, F.S.; revising  
 14      provisions relating to payment of initial forensic  
 15      examinations of alleged victims of certain sexual  
 16      offenses; providing an effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:  
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20           Section 1. Paragraphs (t) and (u) are added to subsection  
 21      (1) of section 960.001, Florida Statutes, to read:

22           960.001 Guidelines for fair treatment of victims and  
 23      witnesses in the criminal justice and juvenile justice  
 24      systems.--

25           (1) The Department of Legal Affairs, the state attorneys,  
 26      the Department of Corrections, the Department of Juvenile  
 27      Justice, the Parole Commission, the State Courts Administrator  
 28      and circuit court administrators, the Department of Law

29 Enforcement, and every sheriff's department, police department,  
 30 or other law enforcement agency as defined in s. 943.10(4) shall  
 31 develop and implement guidelines for the use of their respective  
 32 agencies, which guidelines are consistent with the purposes of  
 33 this act and s. 16(b), Art. I of the State Constitution and are  
 34 designed to implement the provisions of s. 16(b), Art. I of the  
 35 State Constitution and to achieve the following objectives:

36 (t) Use of a polygraph examination or other truth-telling  
 37 device with victim.--No law enforcement officer, prosecuting  
 38 attorney, or other government official shall ask or require an  
 39 adult, youth, or child victim of an alleged sexual battery as  
 40 defined in chapter 794 or other sexual offense to submit to a  
 41 polygraph examination or other truth-telling device as a  
 42 condition of proceeding with the investigation of such an  
 43 offense. The refusal of a victim to submit to such an  
 44 examination shall not prevent the investigation, charging, or  
 45 prosecution of the offense.

46 (u) Presence of victim advocates during forensic medical  
 47 examination.--At the request of the victim or the victim's  
 48 parent, guardian, or lawful representative, a victim advocate  
 49 from a certified rape crisis center shall be permitted to attend  
 50 any forensic medical examination.

51 Section 2. Paragraph (a) of subsection (2) of section  
 52 960.003, Florida Statutes, is amended to read:

53 960.003 HIV ~~Human immunodeficiency virus~~ testing for  
 54 persons charged with or alleged by petition for delinquency to  
 55 have committed certain offenses; disclosure of results to  
 56 victims.--

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

59 (a) In any case in which a person has been charged by  
 60 information or indictment with or alleged by petition for  
 61 delinquency to have committed any offense enumerated in s.  
 62 775.0877(1)(a)-(n), which involves the transmission of body  
 63 fluids from one person to another, upon request of the victim or  
 64 the victim's legal guardian, or of the parent or legal guardian  
 65 of the victim if the victim is a minor, the court shall order  
 66 such person to undergo HIV testing within 48 hours.

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

69 960.28 Payment for victims' initial forensic physical  
 70 examinations.--

71 (2) The Crime Victims' Services Office of the department  
 72 shall pay for medical expenses connected with an initial  
 73 forensic physical examination of a victim of sexual battery as  
 74 defined in ~~who reports a violation of~~ chapter 794 or a lewd or  
 75 lascivious offense as defined in chapter 800 ~~to a law~~  
 76 ~~enforcement officer~~. Such payment shall be made regardless of  
 77 whether ~~or not~~ the victim is covered by health or disability  
 78 insurance and whether the victim participates in the criminal  
 79 justice system or cooperates with law enforcement. The payment  
 80 shall be made only out of moneys allocated to the Crime Victims'  
 81 Services Office for the purposes of this section, and the  
 82 payment may not exceed \$500 ~~\$250~~ with respect to any violation.  
 83 ~~Payment may not be made for an initial forensic physical~~  
 84 ~~examination unless the law enforcement officer certifies in~~

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85 ~~writing that the initial forensic physical examination is needed~~  
86 ~~to aid in the investigation of an alleged sexual offense and~~  
87 ~~that the claimant is the alleged victim of the offense.~~ The  
88 department shall develop and maintain separate protocols for the  
89 initial forensic physical examination of adults and children.  
90 Payment under this section is limited to medical expenses  
91 connected with the initial forensic physical examination, and  
92 payment may be made to a medical provider using an examiner  
93 qualified under part I of chapter 464, excluding s. 464.003(5);  
94 chapter 458; or chapter 459. Payment made to the medical  
95 provider by the department shall be considered by the provider  
96 as payment in full for the initial forensic physical examination  
97 associated with the collection of evidence. The victim may not  
98 be required to pay, directly or indirectly, the cost of an  
99 initial forensic physical examination performed in accordance  
100 with this section.

101 Section 4. This act shall take effect July 1, 2007.